JUSTICE

1. OVERVIEW

MISSION

Our mission is to serve the residents of the NWT by:

- Working with community members so that communities are safe and secure;
- Ensuring that all residents have access to justice, including legal aid, the courts, alternatives to the courts and other justice-related services;
- Providing legal services to the Government of the Northwest Territories (GNWT) and its agencies;
- Protecting the rights and freedoms of individuals and groups; and
- Promoting respect for the law and the Constitution of Canada.

GOALS

1. Communities have increased capacity and a role in addressing justice issues.
2. Programs, safe and secure custody, and community supervision are in place to support the rehabilitation of offenders.
3. Communities are safer.
4. Victims of crime are supported and have meaningful roles in the justice system.
5. Families in conflict are supported.
6. All residents have access to justice.

PROPOSED BUDGET ($000)

Total Operating Expenses	$99,628
Compensation & Benefits	$46,262
Grants & Contributions	$2,215
Other O&M	$48,936
Amortization	$2,215
Infrastructure Investment	$1,034

PROPOSED POSITIONS

Headquarters	72 positions
Regional/Other Communities	345 positions

KEY ACTIVITIES

- Services to Government
- Law Enforcement
- Legal Aid Services
- Court Services
- Community Justice and Corrections
- Services to the Public

STRATEGIC ACTIONS

The Department will take the following actions in support of the government's strategic initiatives:

Building Our Future

- Implement Phase II of the Framework for Action on Family Violence
    1. Program For Men Who Abuse

- Increase Safety and Security
    1. Enhance Policing Services
    2. Policing in Small Communities
    3. South Slave Drug Interception Team
    4. Reducing Drug and Alcohol Related Crime
    5. Family Law Programs and Services

Managing This Land

- Continue to Develop Governance
    1. Devolution
    2. Justice Resources to Participate in Land, Resources and Self Government Negotiations

Maximizing Opportunities

- Maximize Benefits from Resource Development and Related Initiatives
    1. MGP Strategic Investment – Coordination and Policing

Refocusing Government

- Strengthen Service Delivery
    1. Coroner Service

2. EMERGING ISSUES

Police-Reported Crime Statistics [1]

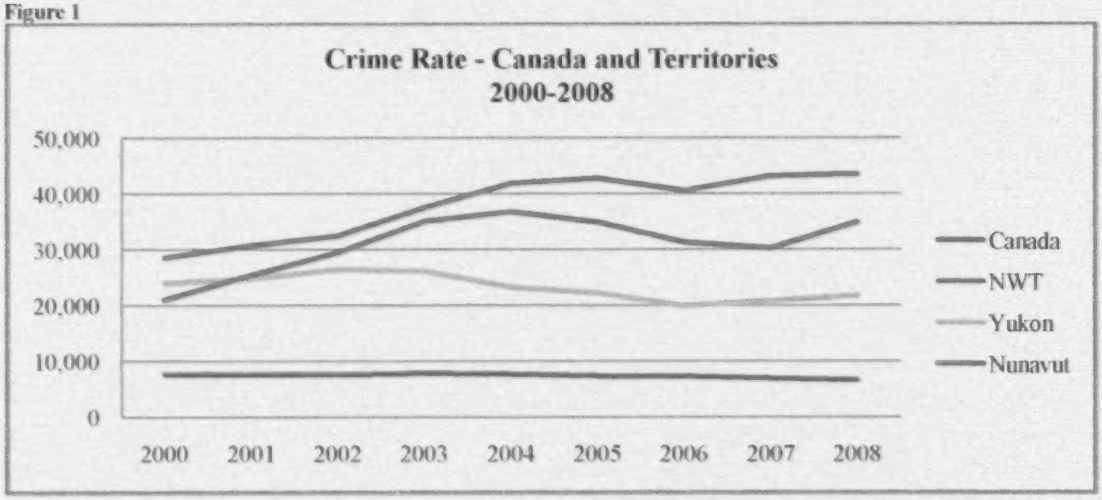
In 2008, the national police-reported Crime Rate reached its lowest point in 30 years, reflecting a drop of 5% from the previous year. In 2008 the severity of crime, as measured by the new police-reported Crime Severity Index, also dropped 5%.

In 2008, both the Crime Rate and the Crime Severity Index rose by 1% in the Northwest Territories. However, the severity of violent crime in the NWT declined by 2% and the Violent Crime Rate declined by 4%. Even with these decreases, the NWT continues to have the highest Crime Rate and the second highest Violent Crime Severity Index in Canada (Figures 1, 2 and 3).

The high Crime Rate can be at least partially attributed to our relatively young population, low education attainment, abuse of drugs and alcohol as well as the traumatic impacts of residential schools. All of these are factors that can contribute to high crime rates.

The police-reported crime statistics provide the Department of Justice and police with a picture of crime in the NWT including trend information. These statistics build on the information that is provided through other surveys such as the *General Social Survey on Victimization*, the *Integrated Criminal Courts Survey* as well as surveys of Corrections information and on other programs. These statistics provide an important base from which to plan and inform decisions for a wide range of Justice activities including policing, victim services, family violence, corrections, courts and other Justice programs.

Figure 1



[1] *Police-reported Crime Statistics in Canada, 2008*, Statistics Canada.

Figure 2

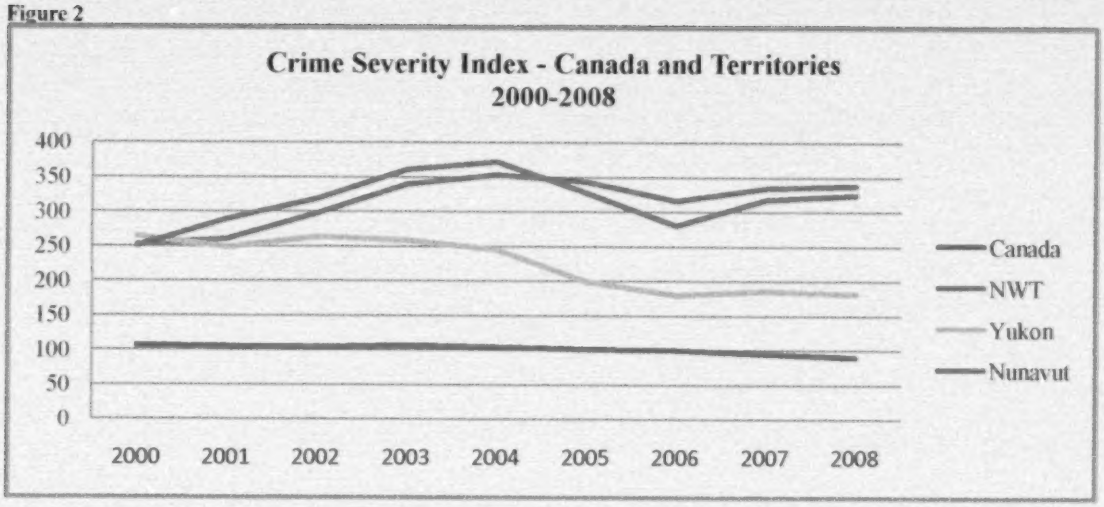
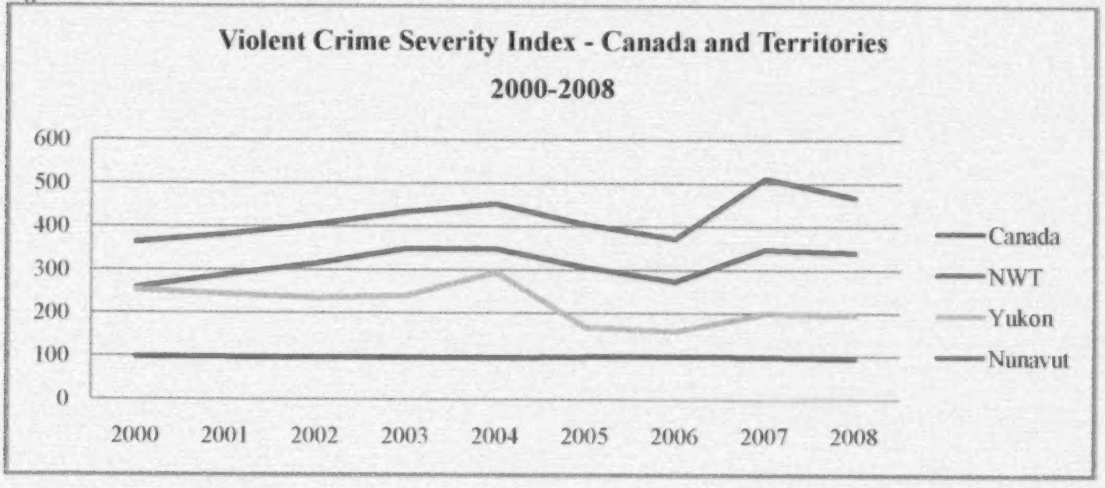
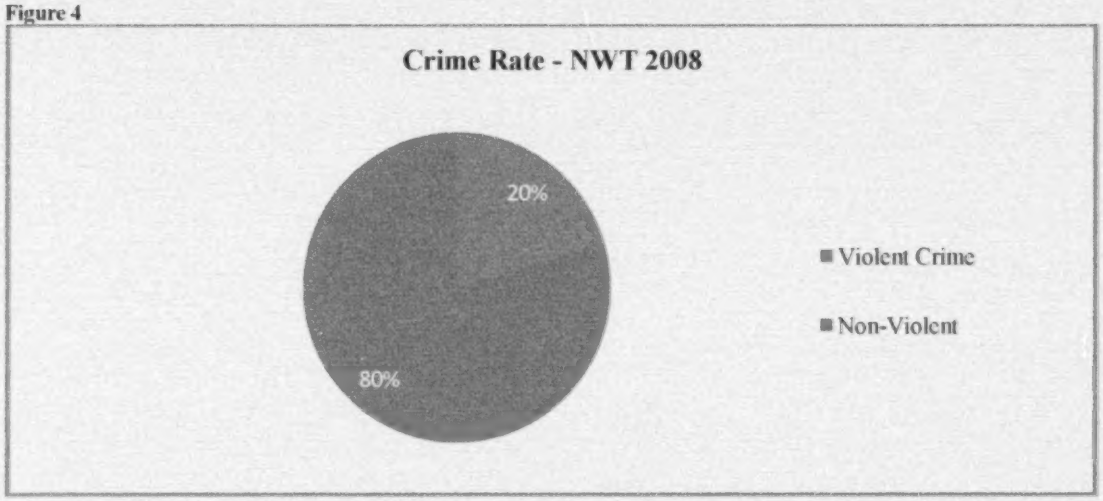


Figure 3



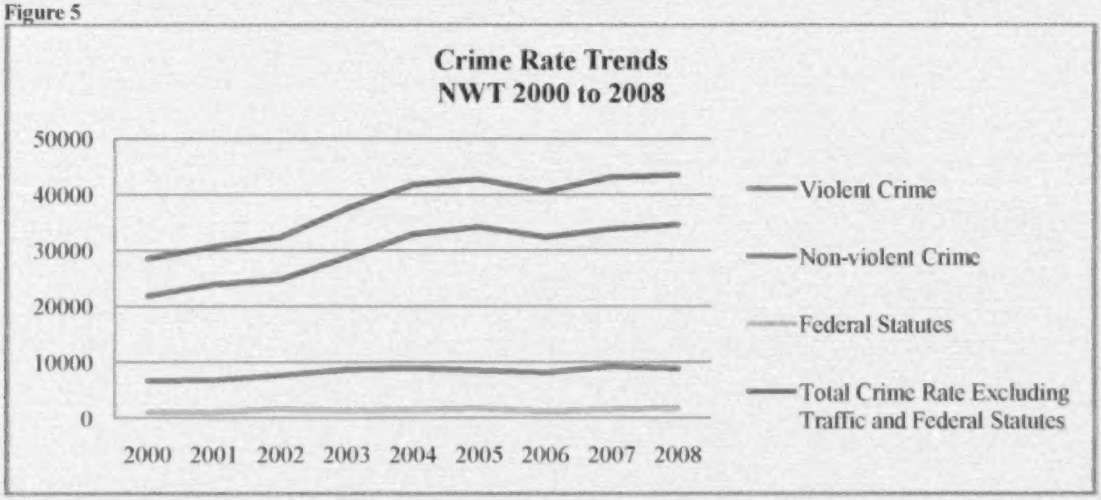
The Crime Rate is a measure of the overall volume of *Criminal Code* violations (excluding traffic and federal offences) reported to and by police based on the most serious incident. In the NWT in 2008, 80% of the crime rate was made up of non-violent offences, 20% was violent crime (Figure 4).

Figure 4



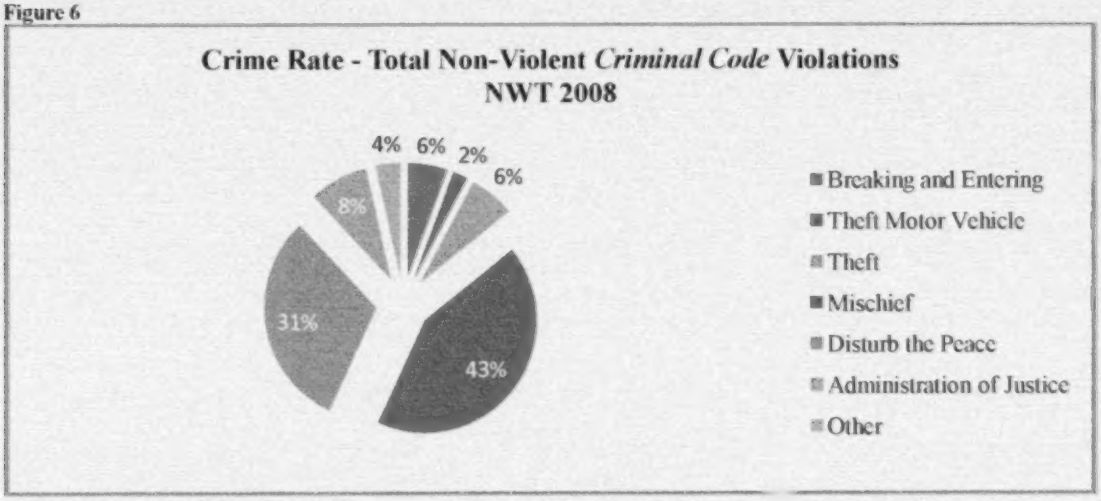
Trend data from 2000 to 2008 shows that, although there have been increases in violent crime, increases in the rate (per 100,000 population) of non-violent crime is "driving" overall increases in the Crime Rate in the NWT (Figure 5).

Figure 5



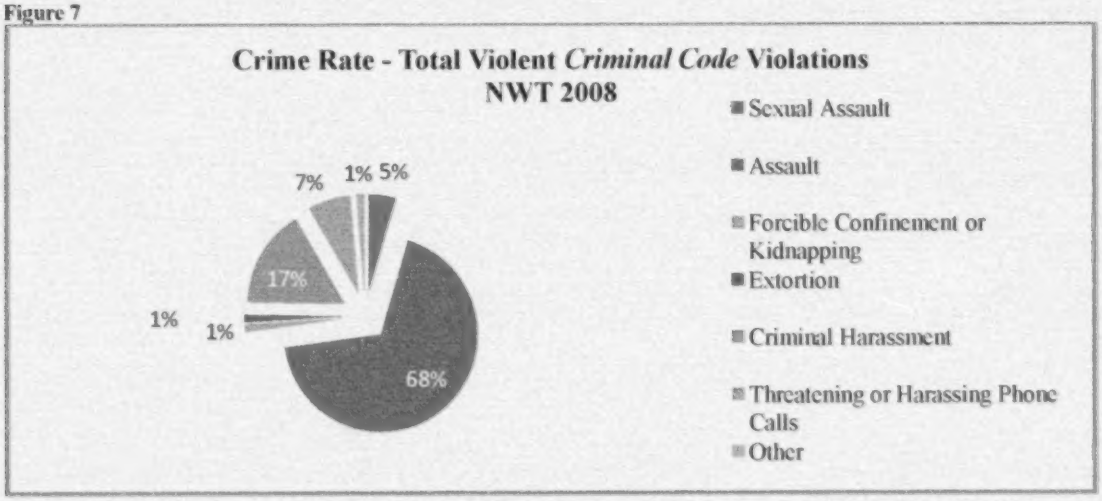
Of the non-violent offences that make up the Crime Rate in the NWT, the majority of offences reported by police are either Mischief (43%) or Disturbing the Peace (31%; Figure 6). These two offences made up 74% of non-violent crime in the NWT in 2008.

Figure 6



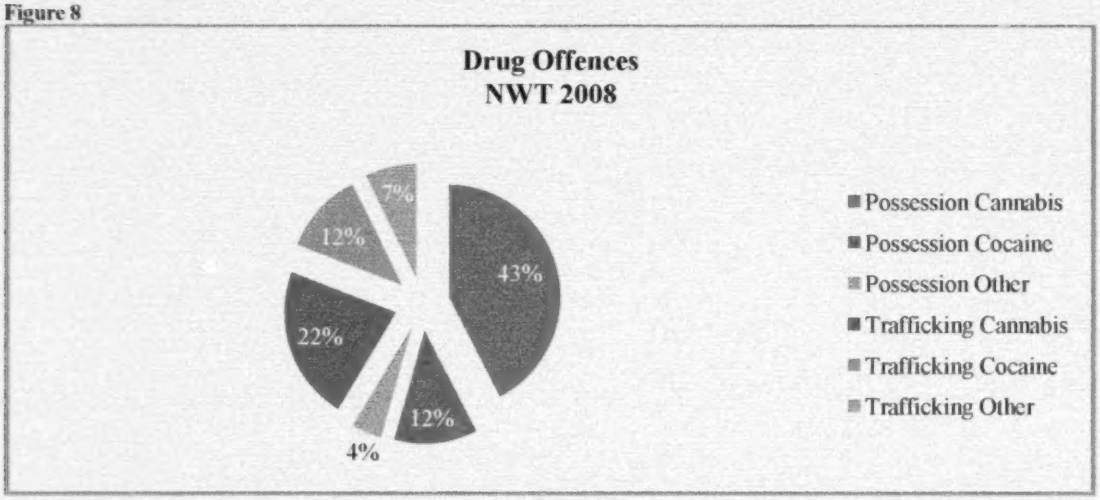
Of the violent offences that make up the Crime Rate in the NWT, the vast majority of offences reported by police involve Assault (68%; Figure 7) followed by Criminal Harassment (17%). The category Assault is primarily made up of Common Assault Level 1 (81%), Assault with a Weapon or Bodily Harm Level 2 (16%) then Assault of a Police Officer (2%).

Figure 7



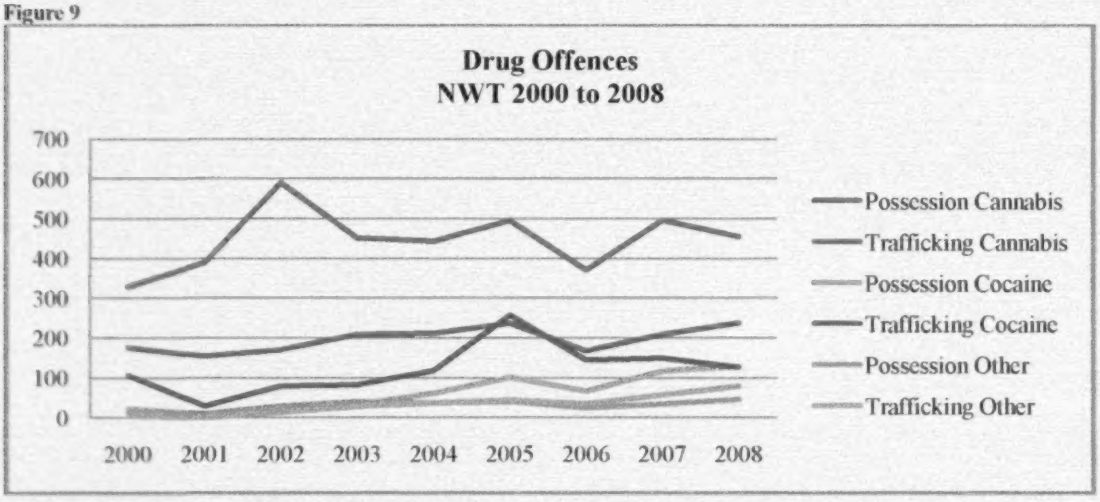
Drug offences make up 62% of federal statute offences. Possession and Trafficking of Cannabis make up 65% of drug offences reported by police, followed by 24% for trafficking and possession of Cocaine (Figure 8).

Figure 8



Trend data over 2000-2008 shows an increase in drug activity during this eight year period (Figure 9).

Figure 9



Changes in Offender Profiles

Although the violent crime rate in the NWT dropped by 4% in 2008, it is still the second highest in the nation.[2] The high rate of violent crime in the NWT has had, and will continue to have, an impact on sentenced custody and on the number of accused held in custody awaiting trial or sentencing (i.e. remand[3]).

In 2007/08, 70% of the adults admitted to sentenced custody had been convicted of crimes of violence, compared to 49% in 2001/2002. This is a 43% increase over 5 years. This "hardening" of our offender population has implications for the programs, services and infrastructure requirements of the corrections system as well as other areas of the justice system, such as legal aid and the courts.

The hardening of the offender population is also having an impact on the remand population. From 2007/08 average daily remand counts have risen from 51 in 2005/06 to 79 in 2007/08, representing a 55% increase in remand over three years.[4] The increase in the remand population creates challenges for correctional facilities: in addition to managing a higher number of daily admissions and discharges, staff must respond to the unique considerations of this challenging group. An increase in remand admissions also raises questions of programming for this group, because they are awaiting their trials – they have not received a sentence that might otherwise identify programming needs or considerations.

The introduction of the federal *Youth Criminal Justice Act* (YCJA) in 2003 has also had a fundamental impact on corrections and community justice in the NWT. As stated in the Act: *"Canadian society should have a youth criminal justice system that commands respect, takes into account the interests of victims, fosters responsibility and ensures accountability through meaningful consequences and effective rehabilitation and reintegration, and that reserves its most serious intervention for the most serious crimes and reduces the over-reliance on incarceration for non-violent young persons".*

In line with this new approach, the NWT experienced a drop in incarcerations rates for youth. In 2002/03, the year that the legislation came into force, the average daily counts of young persons in sentenced custody (per 10,000 youth population) was 99.5. In 2003/04, the rate dropped to 52.1 and by 2005/06 the rate was 39.6. In addition, the number of youth dealt with at the community level through warnings or sanctions (diversions) increased under this legislation: in 2006 (the last year that this information is available), 497 youth were charged, while 1,376 youth were dealt with in the NWT through warnings or sanctions.[5] Since the Act came into force (to 2005/06) there has also been an increase of 25% in the youth sentenced to custody for violent crimes.[6] Similar to the adult population, this "hardening" of the youth population has had an impact on Corrections programs and services.

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[2] *Police-reported Crime Statistics in Canada, 2008*, Statistics Canada

[3] Remand refers to a person ordered by the court to be held in custody while awaiting a further court appearance. These persons have not been sentenced and can be held for a number of reasons (e.g., risk that they won't appear for their court date, danger to themselves and/or others, risk to re-offend). Remand is a responsibility of provincial/territorial Corrections Services. *Correctional Services in Canada, 2007-2008 – Reference Tables*, Statistics Canada

[4] *Adult Correctional Services in Canada, 2007-2008 – Reference Tables*, Statistics Canada

[5] Table 2. *Youth Crime Rate, Canada, Provinces and Territories, 2006*, Youth Crime in Canada, Statistics Canada

[6] *Youth Custody and Community Services in Canada, 2005/06*, Statistics Canada

Community Policing Needs

During the next few years, there will be continued pressure to expand police resources. Aside from community requests for increased police presence – particularly in the smaller communities without detachments – there is also the growing need to respond to officer safety. In recent years, federal *Labour Code* decisions have increased minimum detachment staffing requirements from one to two officers. More recently, concerns about officer safety have led to the development of a national RCMP back-up policy that may require at least three to four RCMP members in each detachment.

In the short-term, officer back-up is provided by existing staff through standby pay and overtime. In the longer term, the Department may need to provide funding to permit the placement of additional officers in the two and three- member detachments. Before committing to these new resources for policing positions, decisions need to be made on the most effective model for providing a continuum of service to communities. Adding new officer positions will require significant financial investment and new positions will be difficult to fill. RCMP "G" Division is currently struggling to fill existing positions because of a lack of qualified candidates. Also, infrastructure to support these new positions is the responsibility of the federal government and subject to their approval process. All of these resourcing challenges will make it more difficult to respond to requests for improved policing services in small communities in a timely manner.

Family Violence

Family violence continues to be an important issue in the NWT. According to research conducted by Statistics Canada, the risk factors associated with family violence include unemployment, social isolation, alcohol consumption and prevalence of common-law unions.[7] Many of these risk factors are present in NWT communities. High levels of family violence are seen in our communities as evidenced by our child protection issues, applications for emergency protection orders, shelter use, police reports of territorial spousal assault, and reports from front line workers who deal with family violence every day. The Department will continue to work with other GNWT departments, the RCMP and community agencies to improve existing responses, and to develop new approaches, including an abuser program for men (see Strategic Activities section).

[7] *Family Violence in Canada, A Statistical Profile 2008*, Statistics Canada.

3. 2010-11 Planning Information

The detailed description of planned activities for the Department includes the following sections:

a) Fiscal Position and Budget
b) Update on Key Activities and Results Reporting
c) Update on Strategic Activities
d) Overview of Infrastructure Investments
e) Legislative Initiatives
f) Human Resource Overview
g) Information System and Management Overview

a) Fiscal Position and Budget

Departmental Summary

	Proposed Main Estimates 2010-11	Revised Estimates 2009-10	Main Estimates 2009-10	Main Estimates 2008-09
			($000)	
OPERATIONS EXPENSE				
Services to the Government	9,577	9,153	8,862	8,660
Law Enforcement	33,586	31,822	31,822	29,444
Legal Aid Services	5,618	5,102	4,978	5,020
Court Services	11,082	10,875	10,638	10,003
Community Justice and Corrections	35,451	34,472	33,270	33,826
Services to the Public	4,314	4,041	3,918	3,920
TOTAL OPERATIONS EXPENSE	99,628	95,465	93,488	90,873

Note: Revised Estimates for 2009-10 includes the 2009-10 allocation of the funding associated with the recently concluded Collective Agreement between the Government of the Northwest Territories and the Union of Northern Workers, in the amount of $1,977,000.

OPERATION EXPENSE SUMMARY

	Main Estimates 2009-10	Revised Estimates 2009-10	Proposed Adjustments: Forced Growth	Proposed Adjustments: Strategic Initiatives	Proposed Adjustments: Sunsets and Other Adjustments	Proposed Adjustments: Internal Reallocations	Proposed Budget 2010-11
			($000)				
Services to the Government							
Directorate	1,362	1,398	49	-	-	-	1,447
Finance	2,755	2,810	58	-	-	-	2,868
Legal Division	2,459	2,556	93	80	-	-	2,729
Legislation Division	1,173	1,236	48	-	-	-	1,284
Policy and Planning	1,037	1,077	38	65	(7)	-	1,173
Amortization	76	76	-	-	-	-	76
Total Activity	**8,862**	**9,153**	**286**	**145**	**(7)**	**-**	**9,577**
Law Enforcement							
Territorial Police Services Agree.	31,346	31,346	-	1,108	(44)	-	32,410
First Nations Policing	424	424	700	-	-	-	1,124
Biology Casework	52	52	-	-	-	-	52
Total Activity	**31,822**	**31,822**	**700**	**1,108**	**(44)**	**-**	**33,586**
Legal Aid Services							
Legal Services Board	2,371	2,393	27	-	-	-	2,420
Court Workers	1,008	1,054	38	-	-	-	1,092
Legal Aid Staff Lawyers	1,206	1,244	440	-	-	-	1,684
Family Law Clinic	354	372	11	-	-	-	383
Amortization	39	39	-	-	-	-	39
Total Activity	**4,978**	**5,102**	**516**	**-**	**-**	**-**	**5,618**
Court Services							
Court Admin	422	432	12	-	-	-	444
Court Library	248	252	5	-	-	-	257
Court Registries	6,310	6,441	127	-	-	-	6,568
Territorial Court	2,309	2,384	44	-	-	-	2,428
Justice of the Peace	569	573	2	-	-	-	575
Court Reporters	445	458	17	-	-	-	475
Amortization	335	335	-	-	-	-	335
Total Activity	**10,638**	**10,875**	**207**	**-**	**-**	**-**	**11,082**
Community Justice and Corrections							
Corrections Administration	1,868	1,909	45	-	-	-	1,954
Community Corrections	2,709	2,826	91	-	-	-	2,917
Adult Facilities	18,327	19,073	622	-	-	-	19,695
Youth Facilities	5,375	5,659	205	-	-	-	5,864
Open Custody/Custodial Placement	787	787	-	-	-	-	787
Community Justice	2,529	2,543	16	-	-	-	2,559
Amortization	1,675	1,675	-	-	-	-	1,675
Total Activity	**33,270**	**34,472**	**979**	**-**	**-**	**-**	**35,451**

OPERATION EXPENSE SUMMARY CONTINUED

	Main Estimates 2009-10	Revised Estimates 2009-10	Proposed Adjustments: Forced Growth	Proposed Adjustments: Strategic Initiatives	Proposed Adjustments: Sunsets and Other Adjustments	Proposed Adjustments: Internal Reallocations	Proposed Budget 2010-11
Services to the Public							
Public Trustee	349	362	13	-	-	-	375
Coroner's Program	582	586	5	99	-	-	690
Rental Office	218	222	4	-	-	-	226
Legal Registries	1,745	1,818	67	-	-	-	1,885
Maintenance Enforcement	586	611	16	-	-	-	627
Protection Against Family Voilence	348	352	2	67	-	-	421
Amortization	90	90	-	-	-	-	90
Total Activity	**3,918**	**4,041**	**107**	**166**	-	-	**4,314**
TOTAL DEPARTMENT	**93,488**	**95,465**	**2,795**	**1,419**	**(51)**	-	**99,628**

Note: Revised Estimates for 2009-10 includes the 2009-10 allocation of the funding associated with the recently concluded Collective Agreement between the Government of the Northwest Territories and the Union of Northern Workers, in the amount of $1,977,000.

Forced Growth under Proposed Adjustments includes funding associated with the increased cost of delivering services and also the 2010-11 allocation of the funding associated with the recently concluded Collective Agreement between the Government of the Northwest Territories and the Union of Northern Workers, in the amount of $1,564,000.

REVENUE SUMMARY

	Proposed Main Estimates 2010-11	Main Estimates 2009-10	Revised Estimates 2008-09	Main Estimates 2008-09
			($000)	
TRANSFER PAYMENTS				
Federal Cost Shared				
Access to Justice	1,972	1,972	2,072	1,972
Youth Justice Services	3,059	3,059	3,059	3,059
Intensive Rehabilitative Custody	200	200	339	0
Exchange of Services	1,512	2,686	2,686	2,686
Community Parole	25	25	25	25
Aboriginal Justice Strategy	-	-	315	-
Federal Programs				
Young Offenders Allowances	25	25	25	25
	6,793	7,967	8,521	7,767
GENERAL REVENUES				
Fees				
Public Trustee	87	87	87	87
Court	160	160	160	160
ATIPP	3	3	0	0
Land Titles and Legal Registries	3,780	3,780	3,531	3,531
Other				
Court fines	372	372	372	372
Interest	4	4	4	4
	4,406	4,406	4,154	4,154
OTHER RECOVERIES				
Program Recipient Recoveries				
Legal Aid Repayments	60	40	29	29
Air Charter Recoveries	88	55	45	45
Sale of Publications	18	14	7	7
Inmate Recoveries	7	6	4	4
	173	115	85	85
	11,372	**12,488**	**12,760**	**12,006**

b) Update on Key Activities and Results

SERVICES TO GOVERNMENT

Description

Services to Government includes the corporate management activities of the Directorate, Policy and Planning, Finance and Information Services. It also includes services provided to other GNWT departments, boards and agencies. Legal Division provides advice and representation to all GNWT departments and specified public agencies. Lawyers conduct litigation, provide legal opinions, and advise on a wide range of matters, and one position is dedicated to prosecution of territorial offences. GNWT bills and regulations are prepared by or under the direction of legislative drafters in the Legislation Division, and legal translators prepare French versions of these documents. The Department is also responsible for providing advice and information to GNWT public bodies on the *Access to Information and Protection of Privacy Act.*

Major Program and Service Initiatives 2010/11

Establishment of a Public Law Office
The Department will continue to develop the Public Law Office, monitor workload and assess resource requirements. In addition to the new responsibility for prosecution of territorial offences, it is intended that this office will also be responsible for proceedings under the *Maintenance Orders Enforcement Act*, the *Liquor Act* and the *Inter-jurisdictional Support Orders Act*.

Improvements to Access to Information and Protection of Privacy (ATIPP) Functions
The Department will continue to provide supports to GNWT public bodies through advice and expertise (as required), ongoing committee work focusing on best practices in policy and administrative procedures, and training for access/privacy coordinators. An annual activity report on the administration of the *Access to Information and Protection of Privacy Act* will be prepared, and will include statistical information on formal access-to-information requests received by public bodies.

The Department will research and start the transition to improved access/privacy support functions for 2010/11. This work will include new access/privacy tools such as privacy impact assessment templates and privacy breach notification protocols. Justice will receive funding for the second year of a two-year period for a half-time position to respond to the increased volume of Justice-specific requests for personal information in relation to residential schools.

Four Year Business Plan Update

Results to Date

Establishment of a Public Law Office
On September 29, 2008, the Department assumed responsibility for prosecuting offences under territorial legislation. A prosecutor was hired by Legal Division to assume prosecution duties in January of 2008 and spent approximately nine months seconded to the Public Prosecution Service of Canada for training and development. A Memorandum of Agreement was negotiated with the Public Prosecutions Service of Canada for the prosecution of offences where an accused is charged with both

territorial and federal offences. In this way, both governments realize efficiencies.

During 2009/10, the Department continued to develop the Public Law Office and a prosecutor is now working mainly on matters related to territorial prosecutions. These activities include training of GNWT officials responsible for the investigation of offences, facilitating transfers of probation orders to other jurisdictions, providing legal advice regarding the investigation and prosecution of offences, and appearing before various levels of court related to the prosecution of offences.

Prosecutions include such matters as breaches of the *Wildlife Act*, *Protection Against Family Violence Act*, *Tobacco Control Act*, *Public Health Act*, *Forest Protection Act*, *Elections and Plebiscites Act*, *Environmental Protection Act* and other territorial legislation. Under the agreement with the Public Prosecution Service of Canada, legal counsel also provides some limited assistance in the prosecution of offences under federal statutes, primarily the *Criminal Code of Canada* and the *Controlled Drugs and Substances Act*.

Improvements to Access to Information and Protection of Privacy Functions
In 2009/10, the Department is reviewing and updating ATIPP policy documents and administrative tools that support access/privacy functions carried out by GNWT public bodies. ATIPP regulations relating to public bodies subject to the Act are being updated.

An Access and Privacy Administration Committee was set up to enhance information exchange and provide peer support for access/privacy coordinators. Justice is also researching ATIPP training options to ensure GNWT public bodies have the capacity to fulfill their responsibilities under ATIPP legislation.

2009/10 was the first year of a two-year term position to assist with the increase in Justice access-to-information requests and to help produce an annual activity report on the administration of the *Access to Information and Protection of Privacy Act*, including statistical information on ATIPP requests.

KEY ACTIVITY 1: LAW ENFORCEMENT

Description

Policing services for NWT communities are contracted to the RCMP through an agreement between the GNWT and the Government of Canada. There are also cost-sharing programs with the Government of Canada with respect to First Nations policing in support of aboriginal participation in policing. An agreement exists with Public Safety Canada to cost-share DNA testing and analysis.

Major Program and Service Initiatives 2010/11

Enhance Community Policing
Community policing is a strategic priority of the GNWT. Major initiatives are identified in the Strategic Activities section, and include working with the RCMP to implement the RCMP back-up policy and explore options for improving policing services. These options include creating additional detachments, increasing relief unit capacity, increasing the number and length of patrols to the communities, or augmenting the existing enforcement personnel with local peace officers appointed under territorial legislation and community officers (formerly special constables) appointed and staffed by the RCMP.

Strengthening Relationships – The Department will continue to work with the RCMP and residents of the NWT to identify priorities and make plans for policing in communities. Justice will also distribute materials and provide training on the community justice orientation package for RCMP members. The Department will also work with the RCMP and federal partners on other options for meaningful community-based cultural awareness.

Operations and Communications Centre – In 2010/11, six additional positions will be staffed at the Operations and Communications Centre. This centre provides administrative support and 24-hour communications support to community detachments. When officers are not available, calls are automatically routed to the Centre. This is the second year of a staffing effort that began in 2009/10. The additional staff will create a more effective operation and as a result improve safety for members and the public.

Victims of Crime – Justice will work with the RCMP and victim services agencies to improve support for victims of crime by providing RCMP with referral data, reviewing the NWT Victim Services Referral Protocol and responding to the results of a feasibility study on a model of victim services delivery that operates out of detachments.

Family Violence – Training and operational improvements will be identified and implemented to improve operations as they relate to RCMP roles and responsibilities. This training will be based on information collected during the review of transcripts of applications for emergency protection orders under the *Protection Against Family Violence Act*.

First Nations Policing Policy – Discussions with the federal government on the implementation of the First Nations Policing Policy and the first tripartite agreement in the NWT continue. Although the federal government has agreed to apply the policy to the north, they have not yet identified funding. A review of the program by the federal government is expected to be completed by the fall of 2010 and funding may be available in 2011/12. Additional RCMP positions funded through the policy would be at a cost-sharing arrangement of 48% from the NWT and 52% from the federal government. This is different from the regular arrangement which requires the NWT to provide 70% of the funding

for the RCMP.

Territorial Policing Policy Framework – In the spring of 2009, at a pan-territorial meeting in Whitehorse, the three territories agreed to advance the Framework as an alternative to the First Nations Policing Policy. This approach recognizes the long standing challenges in having the First Nations Policing Policy applied and funded across the North and the limited application to the territories. In 2010/11, the NWT will work with the other territories to advance the Framework with the federal government.

Complaints Against the RCMP – Work will be concluded locally and nationally to improve responses to complaints about policing services provided by the RCMP.

Territorial Police Services Agreement
The Department will continue to participate on the federal/provincial/territorial contract advisory committee to develop a new contact with the RCMP. In 2010/11, the work will focus on negotiations leading up to the new agreement in 2012.

DNA Analysis Agreement
The Department expects to conclude work with federal/provincial/territorial jurisdictions on the development of a new governance and service model for DNA analysis services, which support police work on criminal investigations. This new agreement may result in higher costs for the NWT.

Four Year Business Plan Update

Results to Date

Enhance Community Policing

Strengthening Relationships – In 2008/09, the Department hosted community-based meetings to build relationships with communities and the RCMP. These meetings were in addition to the work RCMP do with residents to develop plans and priorities for policing in their communities. The Department also worked with the RCMP on a cultural awareness program that was piloted in the Beaufort Delta with the assistance of the Inuvialuit.

In 2009/10, the Department will complete the development of a community justice orientation package for RCMP members and will review the results of the pilot cultural awareness program in the Beaufort Delta.

Operations and Communications Centre – In 2009/10, three additional positions were staffed at the Centre and nine administrative support positions were created. With this additional staff uniformed officers have more time for patrol in NWT communities.

Victims of Crime – In 2008/09, the Department signed the Victim Services Protocol with the RCMP and the Crown's office. This protocol set out how the GNWT, RCMP and Crown work together to provide effective services to victims.

In 2009/10, the Department reviewed the Victims Services Referral Protocol and provided the RCMP with referral data. The Department is currently examining the potential for a model of victim services delivery that operates out of the detachment.

Family Violence – In 2008/09, Justice worked with the RCMP to provide annual family violence training to RCMP members. The Department also supported the development of a Yellowknife protocol on family violence between the RCMP and frontline service providers, including non-government organizations. This protocol is intended to improve the community's response to family violence, and can also serve as a template for other communities who want to develop an integrated response to family violence. The Department also coordinated regular meetings of designates under the *Protection Against Family Violence Act* (which include the RCMP) to discuss issues and trends.

In 2009/10, the Department also reviewed transcripts of applications for emergency protection orders under the *Protection Against Family Violence Act* to identify further training needs and operational improvements as they relate to RCMP roles and responsibilities. Meetings are held regularly with the RCMP to discuss family violence issues and trends. The Department will continue training for RCMP members in 2009/10.

First Nations Policing Policy – At the federal/provincial/territorial Ministers of Justice meeting in September 2008, the NWT Justice Minister, together with the Nunavut and Yukon Ministers, pressed the federal government to expand the First Nations Policing Policy to the north. There was recognition from other jurisdictions and the federal government about the specific policing challenges that exist in the north. The federal government has agreed that the program can be implemented in the north but there is a need to identify resources to do this. In anticipation of funding, the Department began planning for two new positions that will serve as cultural liaisons and focus on enhancements to community-based policing in the north. In 2009/10, discussions continued with the federal government on the application of the Policy in the North.

Territorial Policing Policy Framework – In 2009/10, the three territories agreed to advance a Territorial Policing Policy Framework as an alternative to the First Nations Policing Policy.

Complaints Against the RCMP – In 2009/10, the NWT worked with other provinces and territories on a review of the 49 recommendations arising from the *Task Force on Governance and Cultural Change in the RCMP Report: Rebuilding the Trust* (also known as the Brown Task Force Report), and lobbied the federal government to bring forward legislation to improve the approach to complaints against the RCMP. The federal government is now working on legislation.

The Department and the RCMP "G" Division have established a protocol to address complaints at the community level. This process will complement federal legislation and encourages residents and police to work together.

Territorial Police Services Agreement

In the spring of 2008, the NWT hosted a meeting in Yellowknife to discuss contract renewal. Provinces and territories have agreed to negotiate as a block with the federal government, and are looking for more accountability and responsiveness from the RCMP in providing police services. Provinces and territories have developed a work plan to guide the contract renewal process. Work in 2009/10 has focused on research and information gathering. The next phase will focus on negotiations with the goal of having a draft agreement by 2010.

DNA Analysis Agreement

The Department, along with other provinces and territories, began work in 2008 on the development of a new model for DNA analysis services and cost-sharing. (DNA biology casework analysis services are provided by designated RCMP forensic laboratories.) Status quo agreements on biology casework analysis were extended from 2008/09 to 2009/10.

Changes to Four Year Plan

Territorial Policing Policy Framework – The Framework was initiated in 2004 by the NWT, Nunavut and Yukon as a proposed alternative to the federal First Nations Policing Policy. The Policy had limited application and funding in the territories and there was a need to explore other arrangements to support Aboriginal policing in the territories. Between 2004 and 2008, public consultations on policing were held in the three territories and an analysis and options paper, outlining the policing context and needs, was drafted and presented to the federal government. As a result of this work, the federal government agreed to apply the Policy to the territories but did not have any new funding to do this. In interim, the three territories have agreed to proceed with the development of the Territorial Policing Policy Framework.

Measures Reporting

The NWT contracts the RCMP to provide territorial level policing and pays 70% of contract costs. The remaining 30% of the costs come from the federal government. The federal government through the RCMP is responsible for the enforcement of federal statutes, and for providing services such as forensic laboratories, identification services, the Canadian Police Information Centre, and the Canadian Police College.

Since the division of the NWT and Nunavut in 1999, the NWT has increased the number of RCMP members in community detachments by approximately 30%. Nationally the NWT has the highest rate of police per 100,000 population. In 2008, the rate of police was 197 nationally, 419 in the NWT, 371 in Yukon, and 382 in Nunavut. The higher rate in the three territories is attributed to higher crime rates and the challenge of providing services in small and remote communities.

Aside from Gamèti and Wrigley where work is proceeding on opening new detachments, there are 10 communities without detachments; these communities receive their policing services out of larger centres. In addition to communities without detachments there are also 12 communities with small two- and three-person detachments. Relief and backup support is provided to these small community detachments from larger detachments. The RCMP have control over their operations, including where positions are located.

The following measures address concerns about the provision of policing services to communities without detachments, RCMP support to victims of crime and RCMP response to family violence.

Number of days officers were on regular patrol in communities without detachments
RCMP officers were on patrol in the 10 communities without detachments a total of 1,387 days in 2007/08, and 1,471 days in 2008/09.[8] This demonstrates a 6% increase in the RCMP's efforts to visit these communities.

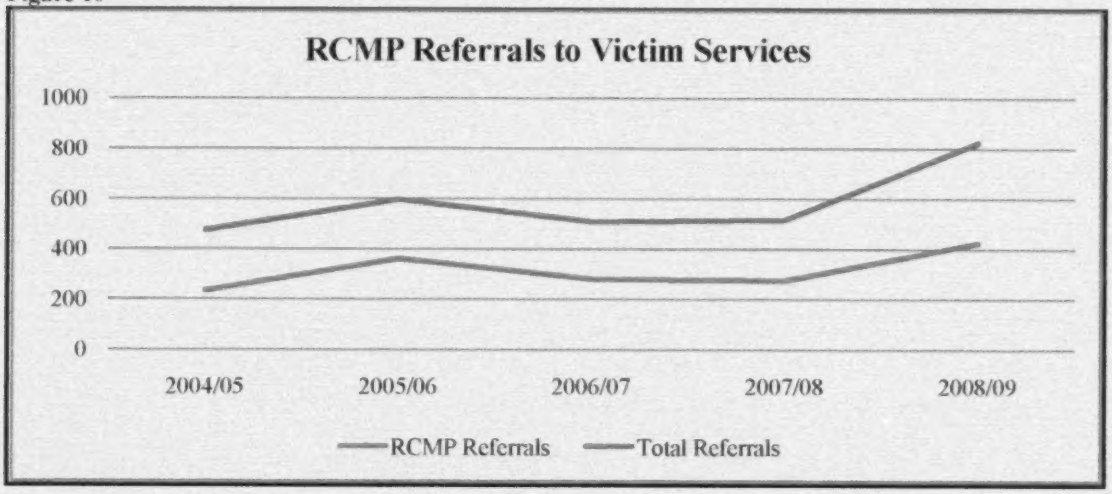
In addition to community patrol work, officers also initiate or participate in a variety of community-based activities such as school visits, education sessions, community feasts, leadership meetings and orientation of new members. These activities support community policing by increasing the visibility and involvement of officers in the community.

RCMP referrals to victim services
The number of referrals from the RCMP to victim services has increased from 235 in 2003/04 to 424 in 2008/09, representing an increase of 80%. The large increase in 2008/09 can be attributed to the

[8] Information on patrols, provided by RCMP "G" Division.

signing of the Victim Services Protocol, as well as an overall increase in the total number of referrals to victim services. The RCMP play an important role in connecting victims of crime with victim service workers. Their referrals make up approximately 50% of the total number of referrals (Figure 10).

Figure 10



Percentage of spousal violence cases where charges are laid.
As there is no specific offence of "spousal violence", Statistics Canada relies on reports from police on offences that are related to spousal violence, such as common assault, assault with a weapon, sexual assault, and stalking. On these cases, police report the sex of the offender, the sex of the victim and the relationship between the victim and the offender. Those cases where the victim and offender are reported to be spouses would be included in the total count of "spousal violence cases".

In 2006, 61% of NWT spousal violence cases reported by police were dealt with by a charge and 83% of these cases related to common assault (Figure 11). In the Yukon and Nunavut, 87% of cases were dealt with by charge.[9]

[9] *Family Violence in Canada: A Statistical Profile*. 2008, Statistics Canada – Note: Information for 2007 will not be available until the fall of 2009.

Figure 11

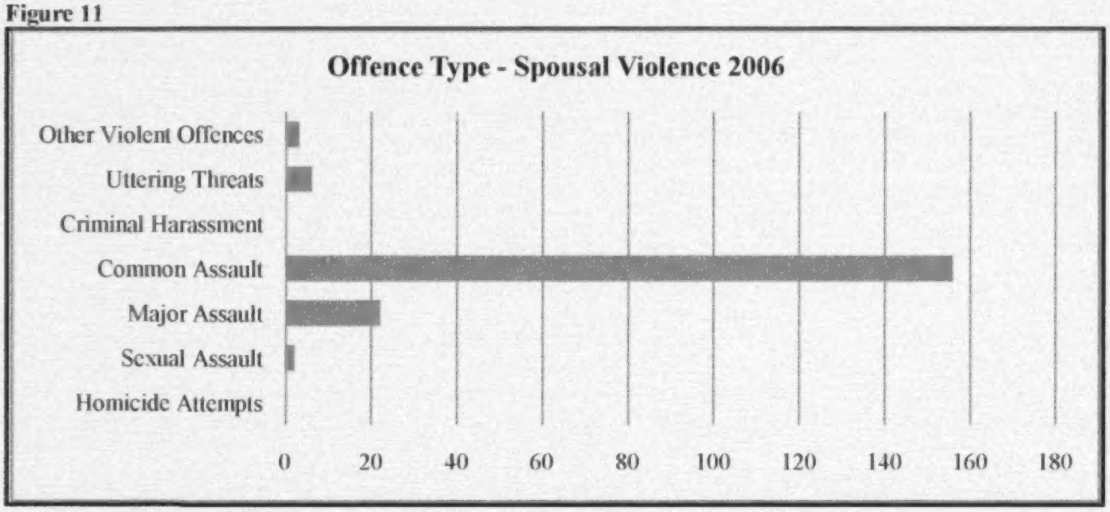


Figure 11 shows the breakdown of offence types related to spousal violence for the year 2006. In 2006, there were no reports from police about incidents of either "Homicide Attempts" or "Criminal Harassment".

KEY ACTIVITY 2: LEGAL AID SERVICES

Description

The **Legal Services Board** is established under the *Legal Services Act*, and is responsible for ensuring that all eligible persons in the NWT receive legal aid. The Board provides legal services for most criminal and family law matters, and some civil cases. It determines eligibility for legal aid in accordance with the parameters established by the *Legal Services Act* and Regulations. The Board is also responsible for the court worker program and public legal education.

Major Program and Service Initiatives 2010/11

Legal Aid
Justice is working with the Legal Services Board to modernize and improve the cost-effectiveness of the legal aid program. This will require new legal services legislation and changes to the structure of the Board to focus its mandate and increase its effectiveness.

In 2010/11, another legal aid law office will be created to deal with the shortage of both criminal and family law lawyers and the backlog of cases. In 2010/11, two staff lawyers and an administrative assistant will be hired. In 2011/12, a third staff lawyer will be hired to work at the new legal aid clinic. This will result in four legal aid clinics in the NWT with a total of 13 lawyers on staff.

Court Workers
In 2010/11, the Department will continue work on an integrated service model for court workers including training considerations in anticipation of an expanded role. The Department will also begin planning for implementation of the integrated model.

Public Legal Information and Education
Work will continue on developing and producing self help resource kits for the public as well as brochures and booklets to inform the public about territorial legislation, including information for self-represented litigants.

Four Year Business Plan Update

Results to Date

Legal Aid
In 2008/09, the Department and the Legal Services Board completed research into possible changes to the legislation to modernize and improve the cost-effectiveness of the legal aid program. In 2009/10, the Department began work on the legislation.

In 2008/09 and 2009/10, the Department examined resource requirements to try to address the shortage of lawyers and backlog of cases. This research revealed that the factors driving the workloads of the courts (high crime rate and more specifically the rising violent crime rate) also impact on the workload and demands of the legal aid program.

Court Workers
In 2008/09 and 2009/10, the Department conducted research into the feasibility of extending the support provided by court workers beyond criminal law to civil and family court matters. This research was focused on making the most effective use of the court worker positions.

In 2009/10, the Department also put forward a proposal for federal funding to support a design study on the application of an integrated service delivery model for delivery of legal services. In this model, community court workers are proposed as the primary point of contact for people seeking legal services. This work also has links with the Family Law Reform initiative (see section on Future Strategic Directions of the Department).

Later in 2009/10, the Department expects to train court workers in anticipation of an expanded service delivery model.

Public Legal Information and Education
In 2008/09, the Family Law Guide was distributed to front-line workers and community contacts along with brochures on custody, access, separation and divorce. Training was provided to community court workers to help them use the Family Law Guide when assisting clients.

In 2009/10, information on changes to the *Maintenance Orders Enforcement Act* were developed and made available to the public. Later in 2009/10, information on amendments to the *Residential Tenancies Act* will be completed and distributed including a new booklet and fact sheets on commonly asked questions. The Department will continue to develop brochures and booklets for self-represented litigants as well as information about family law and other legal topics which are of interest to the public.

Changes to Four Year Plan

Legal Aid
The number of staff lawyers will be increased and located in a new legal aid office. This is in response to the shortage of lawyers and backlog of cases in both family and criminal matters.

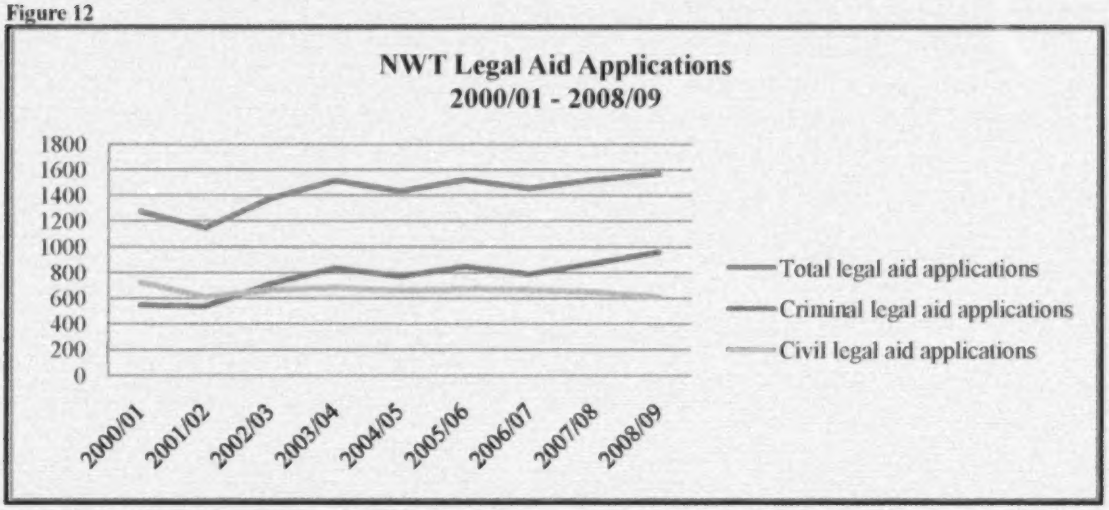
Court Workers
The Department is working on the development of an integrated service delivery model for delivery of legal services. In this model, community court workers are proposed as the primary point of contact for people seeking legal services.

Measures Reporting

Number of applications for criminal and civil legal aid
Residents of the NWT have access to legal aid for criminal and civil matters. Court workers provide assistance on all applications. In 2008/09, a total of 1,569 applications for legal aid were made; with 958 for criminal matters and 611 for civil matters.[10] From 2000 to 2009, the total number of legal aid applications has increased. This increase seems to be driven by a corresponding increase in applications for criminal legal aid (Figure 12).

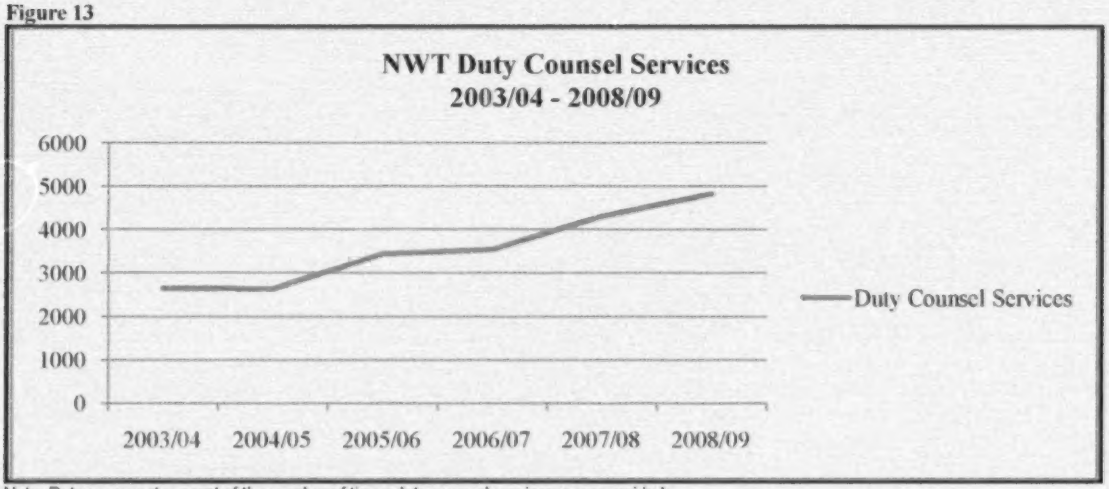
[10] Data for 2008/09 is provided by the Legal Services Board office; prior years from *Legal Aid*, Statistics Canada.

Figure 12



The statistics in Figure 12 do not include criminal matters where an application for legal aid is not required. Under the presumed-eligibility policy, accused persons are provided with certain legal services by duty counsel (including the conduct of a sentencing hearing) without having to make an application for legal aid. Applications for legal aid are made in the criminal context when a matter is proceeding to trial or there is some other complexity associated with the matter. In 2008/09, lawyers provided 3,554 duty counsel services to clients under the presumed-eligibility policy (Figure 13).[11]

Figure 13



Note: Data represent a count of the number of times duty counsel services were provided.

Backlog of family law legal aid cases

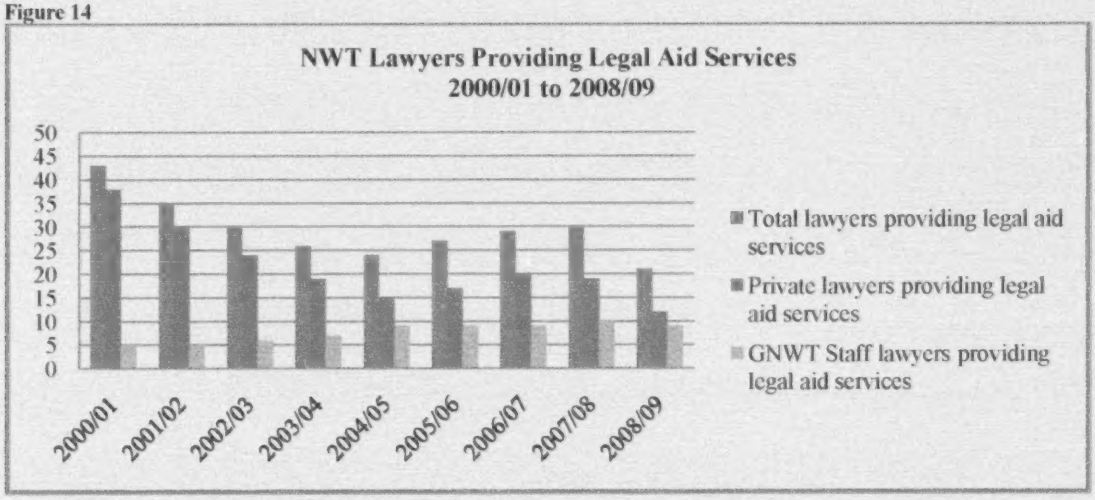
Clients are assigned legal aid lawyers on a priority basis. Over the last eight years, the backlog has ranged from 45 to 134 clients waiting to be assigned lawyers. At this time, clients are waiting six to eight months to be assigned counsel although each case is assessed to determine if time-sensitive considerations need to be factored in. For example, matters involving child protection or matters with

[11] Data for 2008/09 provided by the Legal Services Board office; prior year data is from *Legal Aid in Canada: Resource and Caseload Statistics – 2007/2008*, Statistics Canada.

pending court dates are not subject to the waiting period.[12]

The total number of lawyers providing legal aid services in 2008/09 is less than half the number in 2000/2001(Figure 14).[13] In an effort to address the backlog and deal with the shortage of private lawyers (and particularly family law lawyers) willing to take on legal aid cases, the Department has increased the number of staff lawyers with the Legal Services Board. During this period, the number of applications has increased.

Figure 14



[12] Information is provided by the Legal Services Board office.

[13] Data for 2008/09 provided by the Legal Services Board office; prior year data is from *Legal Aid in Canada: Resource and Caseload Statistics – 2007/2008*, Statistics Canada.

KEY ACTIVITY 3: COURT SERVICES

Description

Four levels of court – Justices of the Peace, Territorial, Supreme and Appeal – collectively represent the judicial branch of government. The courts are independent of the executive (GNWT public bodies) and legislative (Legislative Assembly) branches of government.

The **Court Services Division** is responsible for providing administrative support to the courts. These support services ensure courts are accessible and impartial while providing services to all citizens in a timely manner.

Major Program and Service Initiatives 2010/11

Access to Justice
Justice will continue research on the potential for electronic filing and will implement document imaging technology. Work will also continue to improve forms most frequently used by the public. These forms will be reviewed to ensure that information is clear and in plain language and approved by the judiciary. These forms will be made available in English and French on the NWT Courts website as well as through Court offices serving the public.

Fine Collection
During 2010/11, the Department will implement improved methods of collecting court-ordered fines, including introduction of legislation to amend the *Summary Conviction Procedures Act*. The Department will also conclude research on online payment with plans to implement an online system in 2011/12.

Court Models
The Department will research models for more efficient court structures and look at specialized courts. The Department will consider resources and options for funding. This work is linked to the Strategic Initiative on Family Law Programs and Services as well as the overall strategic planning on Family Law Reform.

Four Year Business Plan Update

Results to Date

Access to Justice
In 2008/09, commonly used forms were revised and posted in English and French on the NWT Courts website.

In 2009/10, more forms will be updated and posted on the website. Work also began on electronic filing of courts documents.

Fine Collection
In 2009/10, Justice instituted a new process to improve fine collection. People who have unpaid fines receive a summons to return to court. Work began on a system to provide for online payment of fines, and on changes to the *Summary Conviction Procedures Act* to improve fine collection.

NWT Court Library
During 2008/09, the library's permanent collection was reduced as many of these resources are now available online. The size of the library space was also reduced to provide room for the construction of additional court space. The reorganization of the library was completed in 2009.

Territorial Court (2008/09 only)
A fourth Territorial Court judge was appointed in 2008/09. The fourth judge is helping to deal with the rising workload of the courts, ensuring that matters continue to be dealt with in a timely manner.

Court Models
Justice is researching models for more efficient court structures and services.

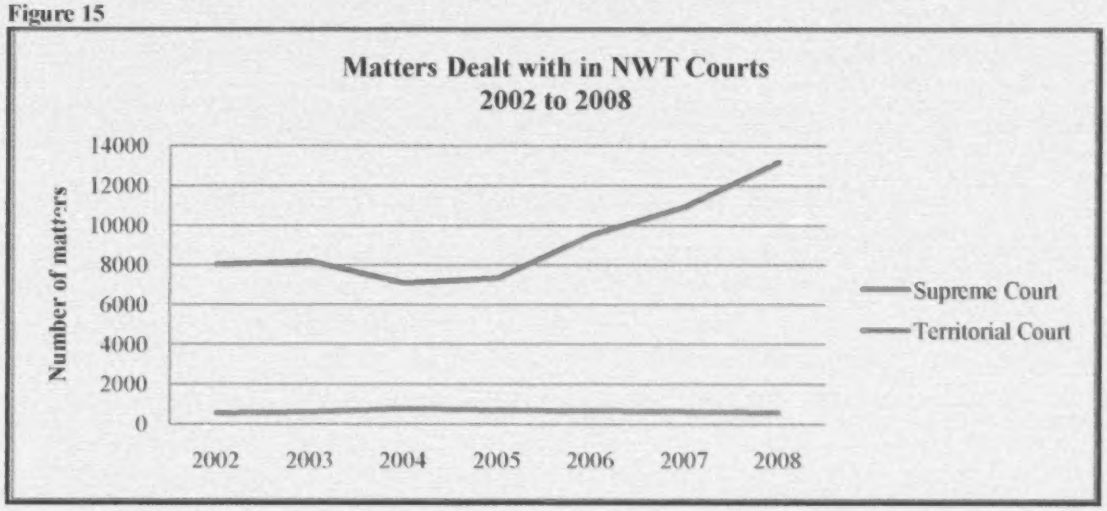
Measures Reporting

Court processing time
A basic principle of the Canadian criminal justice system is that an accused person has the right to be heard in a timely manner. Preparations for each case start in the court registry with the scheduling of the first court appearance, and involve the continued coordination of judicial resources throughout the criminal court process. There are a variety of factors, many of which are not under the direct control of the courts, which affect both case management and processing.

In Canada, the average elapsed time from first to last court appearance was 237 days in 2006/07. In that year, criminal cases in NWT courts were processed in an average of 67 days. Although the NWT has one of the shortest processing times in Canada, this is an increase from 2005/06 when the average processing time for the NWT was 53 days.[14]

The NWT is striving to maintain a short processing time in the face of an increasing crime rate and an increasing number of matters heard by the Territorial Court. According to statistics from the NWT courts, from 2002 to 2008, the number of matters heard in Territorial Court increased from 8,023 in 2002 to 13,179 in 2008, an increase of 64.27% (Figure 15).

Figure 15



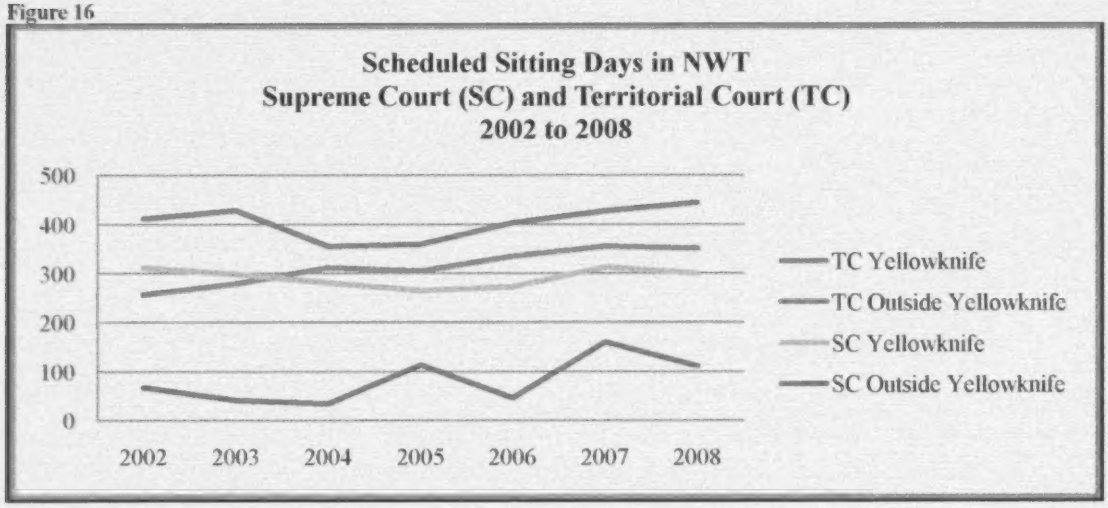
[14] *Adult Criminal Court Statistics, 2006/06 and 2006/07*, Statistics Canada.

Number of sitting days by court and community

NWT courts travel to communities to hear a variety of matters. According to court statistics, in 2008 the Territorial Court scheduled about 56% of its total sitting days in communities outside Yellowknife. Between the years 2002 and 2008, the total number of scheduled sitting days in all communities increased by about 19% (Figure 16).

The Supreme Court has also seen an increase in sitting days. Between 2002 and 2008, there was an overall increase in scheduled sitting days of about 8%. In communities outside of Yellowknife scheduled sitting days increased by about 66% (Figure 16).[15]

Figure 16



The addition of a new Supreme Court judge in 2008 (appointed by the federal government) and a Territorial Court judge in 2009 (appointed by the territorial government) is helping to address the extra workload and ensure that our relatively low court-processing times are maintained.

[15] Provided by Court Services, Department of Justice, GNWT 2009.

KEY ACTIVITY 4: COMMUNITY JUSTICE & CORRECTIONS

Description

The **Community Justice Division** provides support to communities to develop and implement sustainable local justice programming in the areas of restorative justice, victim services, community policing and crime prevention.

The **Corrections Division** provides safe custody and supervision of adult and youth offenders. This is achieved through the operation of correctional facilities, and the supervision of offenders sentenced to community based orders such as conditional sentences and probation orders. The Division delivers culturally relevant programs to support offender rehabilitation and reintegration, including wilderness camps and elder support.

Major Program and Service Initiatives 2010/11

Community Justice

Justice will work to extend community justice activities to all communities in the NWT, and carry out the following initiatives in 2010/11:

Support for Communities – The Department will work with federal partners to develop and provide community-based training to enhance local approaches to justice issues. The Department also plans to conduct a review of the community justice program and review the findings of the 2009/10 crime prevention conference.

Services to Victims of Crime – With the support of federal funding, the Department will continue to work with local agencies and volunteers to offer victim services in eleven communities and surrounding areas. The Department will also continue to deliver the Victims of Crime Emergency Fund and work to renew the fund beyond 2010/11.

Research on Fetal Alcohol Spectrum Disorder (FASD) – In 2010/11, the Department hopes to secure funding from the National Crime Prevention Centre to extend this research project for an additional five years beginning in 2011/12.

Corrections

Program Review – The Department will continue to implement recommendations from the program review, begin to implement recommendations from the targeted review of programs and facilities for female offenders, and establish an ongoing program evaluation process for corrections programs.

Staffing and Facility Use – Justice expects to conclude research (including justification) of required human resources for the delivery of corrections services. This includes an assessment of the number and type of positions in facilities and communities both now and for ongoing program delivery. Justice will also continue to deliver the Northern Recruitment Program as the primary method for recruiting and training northerners for entry level positions in correctional facilities.

Case Management – The Department will provide opportunities for the cross training of community and facility staff on the integrated case management approach. The Department will facilitate staff transfers across corrections service to enhance the experience and mobility/promotability of employees. The audit/case management system will be implemented to enhance accountability.

Victim Notification Program – The Department will monitor the delivery of the new Victim Notification Program and make improvements as required.

Four Year Business Plan Update

Results to Date

Community Justice

Support for Communities – In 2008/09, the Department worked to extend community justice activities to all communities in the NWT and helped communities with work plans, orientation and program training. The Department also worked with community justice committees to increase the role of victims at community justice hearings. Policy guidelines were developed to help groups that are involved with community sentence orders and the fine options program.

In 2009/10, with the assistance of federal funding, the Department revised the community justice orientation and training manual, and provided information and community-based training to justice committees. The Department has begun work to establish a framework for the review of the community justice program and is planning for the territorial crime prevention conference early in 2010.

Services to Victims of Crime – In 2008/09, the RCMP, the Department and communities finalized the Victims Services Protocol (as noted in the Key Activity section on Law Enforcement). The Department completed a feasibility study on establishing a fund to allow victims of crime to travel to provide their Victim Impact Statements in court. The Department also researched the creation of a victim's emergency fund that would cover expenses incurred by victims as a result of serious crime.

In 2009/10, with federal assistance, the Department established the Victims of Crime Emergency Fund and continued to work with local agencies and volunteers to offer victim services in 11 communities and the surrounding areas. The Department plans to co-host with Justice Canada a national victims' of crime conference in the fall of 2009.

Research on Fetal Alcohol Spectrum Disorder (FASD) – In 2008/09, the Department conducted research into FASD. The Department also developed presentations and training materials on FASD awareness for various audiences, including schools, lawyers, RCMP and community groups. Department staff gave presentations on FASD research and program delivery at major conferences in Ontario, Yukon and Alberta.

In 2009/10, research and training on FASD awareness continues, including a presentation at a national conference on chronic offending in Alberta, and work on a toolkit for the use of community based agencies. The Department is also pursuing funding from the National Crime Prevention Centre to extend the project for an additional five years.

Corrections

Program Review – A review of corrections facility programs was completed in the summer of 2008. This review included the completion of an inventory of all programs and 18 recommendations to ensure that appropriate programming is delivered to offenders. The Department also began a review of female offenders programs and facilities.

In 2009/10, the Department began implementing recommendations from the facility program review. The Department also completed the review of female offender programs and facilities, and began planning for implementation of the recommendations from this review.

Staffing and Facility Use – In 2008/09, statistical information was identified and collected as the first step in determining what adjustments should be made to the current model for staffing, facility use and resource investment. An entry level recruitment program for facility staff, to promote hiring and training of Northerners, was piloted successfully in 2008/09. The Northern Recruitment Program graduated its first group of trainees in May of 2009.

In 2009/10, research was concluded on human resources required for the delivery of corrections services. The Department is continuing to use the Northern Recruitment Program as the preferred method to recruit northerners as staff at corrections facilities.

Case Management Approach – In 2008/09, the Department began work with the Yellowknife Health and Social Services Authority and the Department of Health and Social Services to improve case management approaches and provide access to health/social services for offenders in facilities or on probation or parole.

In 2009/10, the Department amended protocols dealing with integrated case management approaches and processes between community and facility case managers to insure a continuum of care between community and correctional facilities. The Department is continuing to work with health and social services authorities and GNWT departments to develop ways to expand the continuum of care for offenders moving in and out of the justice system and to and from communities.

Victim Notification Program – In 2008/09, research began on the Victim Notification Program. Program planning will be completed in 2009/10, with implementation early in 2010.

Changes to Four Year Plan

Community Justice

The Department is establishing a framework to review the Community Justice Program. The Department is planning to co-host with Public Safety Canada a territorial crime prevention conference early in 2010.

Measures Reporting

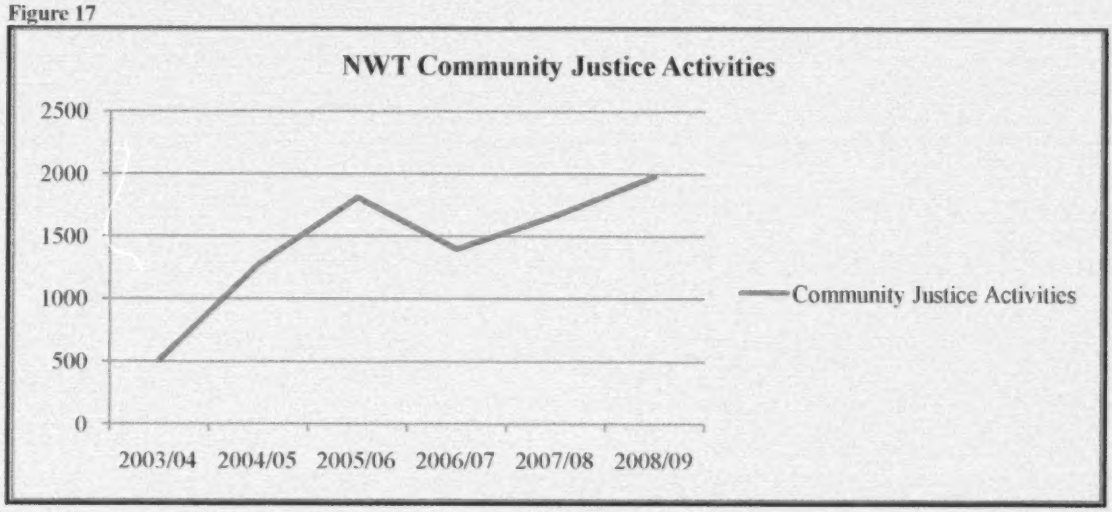
Community Justice

Percentage of communities active in community justice activities

In 2008/09, 31 communities (94%) were involved in 1,980 community justice activities involving 8,951 people. Funding of $20,000 was provided to 21 of these communities to hire a justice coordinator, with the other 10 communities receiving $30,000.

From 2003/04 to 2008/09, there has been an overall 67% increase in the number of activities (Figure 17).[16] This demonstrates the high level of interest and commitment to community justice and crime prevention activities seen in NWT communities. Training is required on an ongoing basis to support the level of programming communities require. This will be a challenge for the Department in future years due to a decrease in financial and human resources in 2008/09.

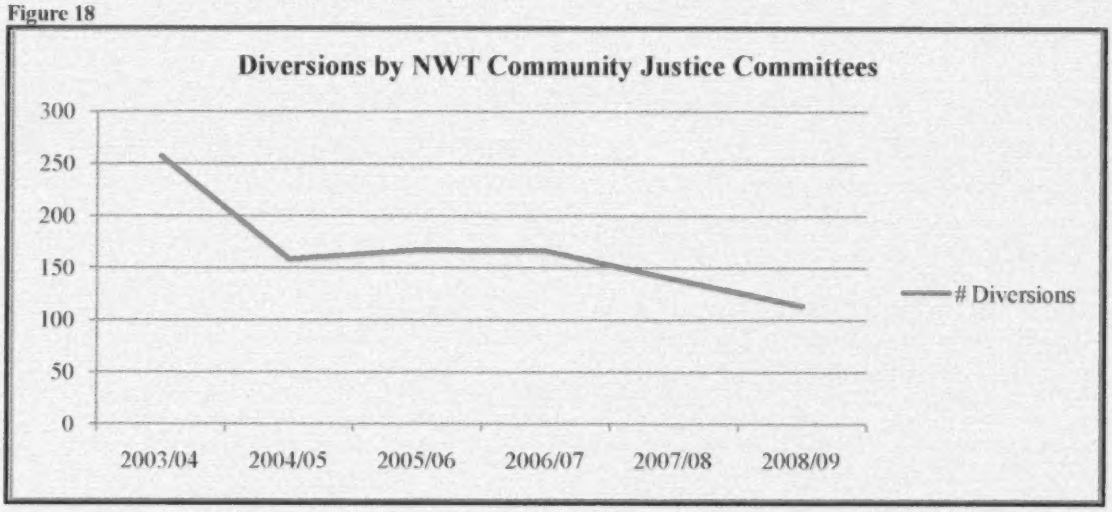
Figure 17



Number of diversions

The diversion program continues to be an important program for many community justice committees. In 2008/09, there were a total of 113 diversions.[17] The number of diversions has dropped from a high in 2003/04 but has been fairly consistent since then, indicating continued support for extrajudicial measures consistent with the federal *Youth Criminal Justice Act* (Figure 18). Community justice committees are finding innovative solutions to address justice issues at the local level in a manner that meets their needs.

Figure 18



[16] Information provided by the Department of Justice, Community Justice Division based on community reports.
[17] Information provided by the Department of Justice, Community Justice Division based on community reports.

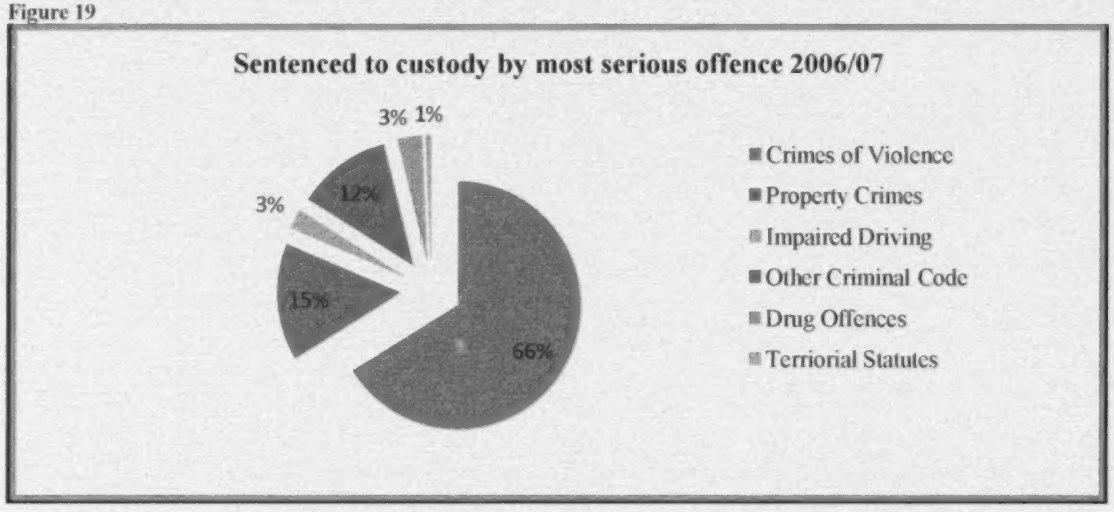
Number of victims of crime that access services

Over the past several years, there has been an increase in victim services and a corresponding increase in the number of victims of crime served. Currently there are community-based victim services in 11 communities: Inuvik, Aklavik, Paulatuk, Fort Good Hope, Yellowknife, Behchokö, Gamèti, Whati, Hay River, Fort Smith and Fort Simpson. They provide victims of crime and tragedy with information, assistance, support and referrals. In 2008/09, 1,951 victims received services from victim services workers in these 11 communities. This is a 39% increase from 2004/05, when 1,407 victims received services from victim service workers in five communities.

Corrections

In 2006/07, based on the most serious offence, 66% of admissions to custody in the NWT were for crimes of violence while nationally it was 22% (Figure 19).[18]

Figure 19



Sentence length and severity has implications for the safe and secure custody of offenders in the NWT and it also has implications for effective programming. Successful participation by offenders relies on an effective assessment of offender needs, development of evidence-based programs to meet those needs and effective delivery of programs by staff. The following corrections measures provide some information on these areas.

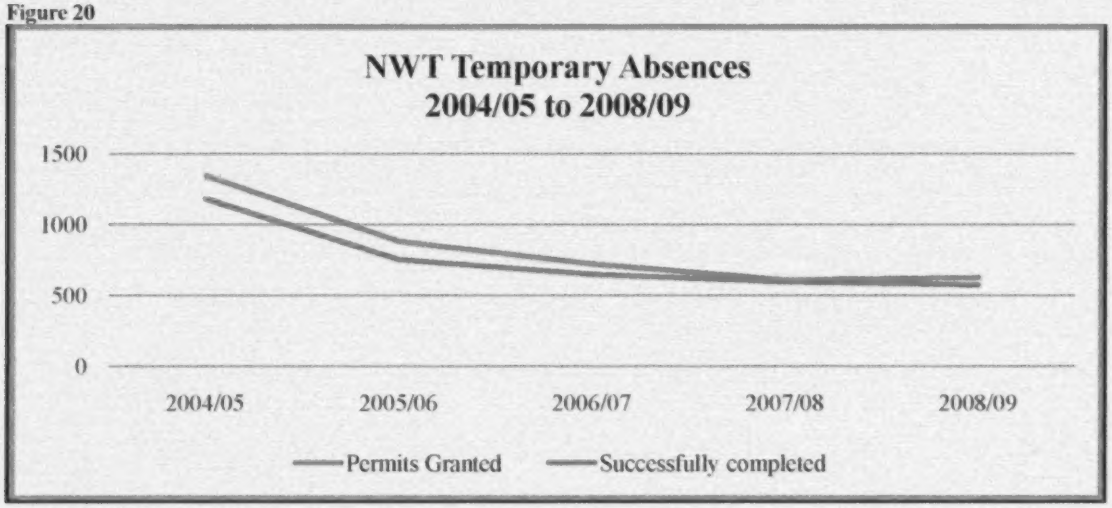
Percentage of offenders with temporary releases revoked

A fundamental principle guiding the corrections service is that the management of offenders should be carried out in the least restrictive manner possible, given the risks presented by each offender and the need to protect the public, staff and other offenders. A temporary release is granted to sentenced offenders whose risk is assessed as appropriate to attend programming to address his or her needs. "Needs" in this case means the behaviour of offenders that have been proven to lead to reoffending (also referred to as "criminogenic needs"). The granting of temporary releases for inmates to attend targeted programming required to change their behavior and address their needs is encouraged as it is preferable to more restrictive incarceration in a correctional facility.

[18] *The Changing Profile of Adults in Custody*, 2006/2007. Statistics Canada.

In 2008/09, 625 permits were issued for temporary absences involving 258 inmates. Ninety-two percent (92% or 575) of these temporary absences were successfully completed. Over the last five years, there has been a marked decrease (54%) in the number of permits issued for temporary release, and an increase in the success rate of those offenders on temporary release, from 88% to 92% (Figure 20). The decrease in the number of permits can be attributed to the overall decline in the number of offenders sentenced to custody, combined with the "hardening" of that population: these factors have lead to fewer offenders who are considered appropriate for temporary release. The increasing success rate suggests improved risk assessment resulting in better decisions regarding the use of temporary absence.

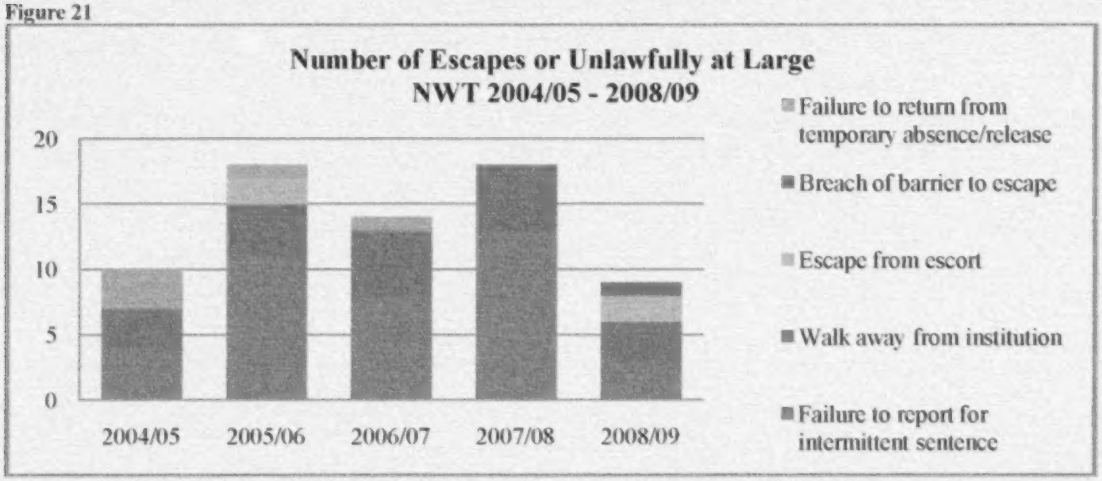
Figure 20



Number of escapes or offenders unlawfully at large

In 2008/09, a total of nine offenders were unlawfully at large: of this number, three were offenders serving their sentence intermittently (i.e., weekends) who failed to report on schedule. The other six included three offenders who walked away from minimum security areas in their institution, two offenders who escaped from their escort and one offender who breached a barrier to escape from a facility. In the last five years, the number of offenders unlawfully at large has varied from a low of nine in 2008/09 to a high of 18 in 2005/06 (Figure 21).

Figure 21



Percentage of offenders sentenced to custody that successfully completed programs

The Department has completed a review of facility-based programs and is in the process of implementing the recommendations from that review including the development of evidence-based programs that are targeted to meet the criminogenic needs of the changing offender population. In 2009/10, the Department expects to start collecting information on the Corrections Offender Management System that will allow reporting (beginning in 2010/11) on offender participation and success in programs.

KEY ACTIVITY 5: SERVICES TO THE PUBLIC

Description

Services to the Public includes a number of programs and services that are accessible to all residents. This includes services available from the following:

- Public Trustee's Office;
- Coroner's Office;
- Rental Office;
- Legal Registries (land titles, corporation and society registration, personal property registration, regulation in securities trading);
- Maintenance Enforcement Office; and
- Protection Against Family Violence Program.

Major Program and Service Initiatives 2010/11

Coroners Service
The Department proposes to return the position of Chief Coroner to the NWT public service to promote the stability of service and to preserve and enhance the specialized skills and technical knowledge required in the position. This move will also permit effective succession planning through training and development of individuals to fill the positions of Chief and Deputy Chief Coroner (see Strategic Activities section under *Refocusing Government*).

Legal Registries
Justice will participate with other jurisdictions in the development and implementation of further national rules to harmonize securities regulation, such as a proposed insider trading rule.

Protection Against Family Violence
The Department will conduct a comprehensive evaluation of the *Protection Against Family Violence Act*. The evaluation will cover the first five years of the Act's implementation.

Four Year Business Plan Update

Results to Date

Legislation
In the spring of 2008, bills amending the *Maintenance Orders Enforcement Act* and the *Residential Tenancies Act* received assent. During 2008/09, the Department prepared to bring the legislative amendments into force. In 2009/10, forms and regulations were drafted and public information (including communications strategies) were prepared and made available. The amendments to the *Maintenance Orders Enforcement Act* came into force on July 1, 2009. The amendments to the *Residential Tenancies Act* are expected to come into force in the fall of 2009.

The Department also introduced the *Professional Corporations Act* to provide for the creation of professional corporations in the NWT. Implementation planning began late in 2008/09. Application to professions will depend on each governing body's progress to establishing rules and procedures. Some professions have moved quickly to do this.

Securities transfer legislation was developed in 2008/09. Work also proceeded on the implementation of the new *Securities Act*, which came into force on October 26, 2008.

Legal Registries
In 2009/10, two outdated databases in Corporate Registries were replaced with one integrated database for territorial business corporations, extra-territorial corporations, societies and partnerships. A system was developed to conduct and pay for corporate registry searches via the internet directly from clients' homes or businesses. Legal Registries also began development of an electronic database application to replace the manual title search currently available in Land Titles.

In 2009/10, registration rules were adopted by all provinces and territories (including the NWT) that establish uniform qualifications, reporting requirements and standards of conduct for securities dealers and advisors. Through this new registration system (called a passport system), dealers and advisors are able to register in more than one province or territory.

Protection Against Family Violence
Justice continued to develop and strengthen partnerships with police and the community in order to improve the NWT's response to family violence. Training was provided to designates under the *Protection Against Family Violence Act* as well as child protection workers, student nurses and others who provide support to victims of family violence. Public education materials were translated into Aboriginal languages. Justice also started an analysis of transcripts from applications for emergency protection orders under the *Protection Against Family Violence Act*.

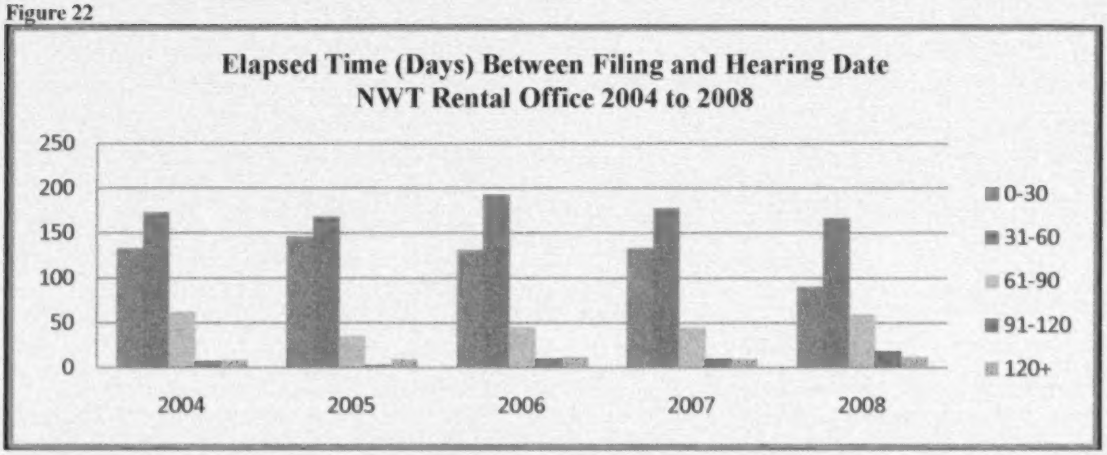
In 2009/10, the Department started developing a work plan for the evaluation of the first five years of the Act's implementation. Transcript analysis and research will continue in order to identify improvements to the implementation of the Act.

Measures Reporting

Rental Office – time between filing application and hearing
In 2008, approximately 74% of all applications to the Rental Office were heard within 60 days of filing. Twenty-six percent (26%) of all applications were heard within 30 days. Figure 22 shows a slight decrease in the number of applications that were filed and heard in less than 60 days.[19] In the 2008 Annual Report the Rental Officer attributed this change (at least in part) to the need for more time to confirm that both parties received notice of the hearing rather than relying on the deeming provisions in the Act.

[19] Information from Annual Reports of the Rental Officer 2004 to 2008.

Figure 22



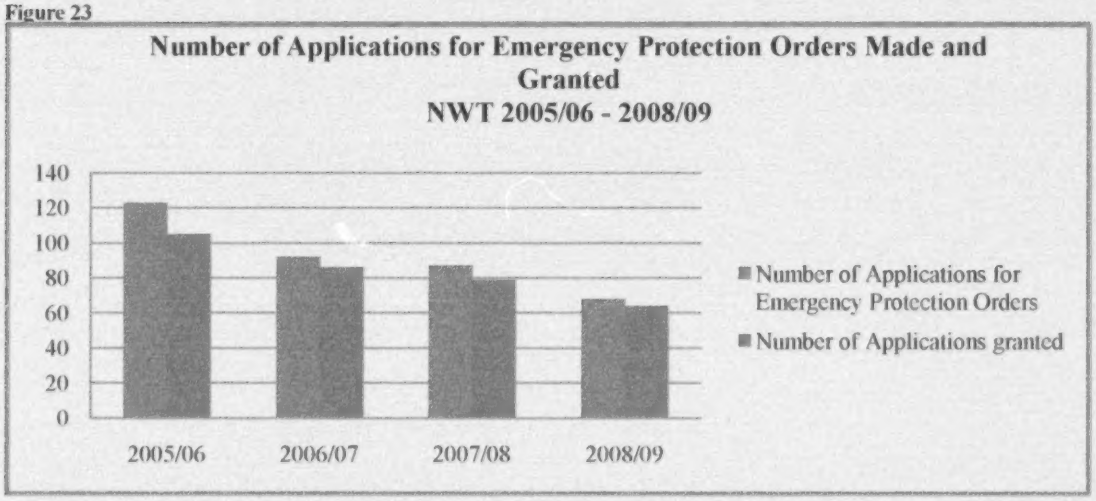
Maintenance Enforcement Office – Percentage of family support collected (total collection rate)
In 2007/08, the Maintenance Enforcement Program collected 90% of the amount due. This collection rate compares very favourably with other jurisdictions: Yukon 100%, Alberta 82%, Nova Scotia 79%, and Prince Edward Island 71%.[20] Recent amendments to the *Maintenance Orders Enforcement Act* came into force on July 1, 2009. It is expected that the collection rate will improve, and some of the long-standing arrears will be addressed.

Protection Against Family Violence – number of emergency protection orders applied for and granted
Applications for emergency protection orders under the *Protection Against Family Violence Act* continue to decline (Figure 23). In 2008/09, 68 emergency protection orders were applied for and 64 were granted. This is lower than previous years but still higher than numbers of applications expected when the legislation was developed, approximately 50 applications per year were anticipated.[21]

It is unclear why the number of applications is decreasing over time. Issues relating to victim support, designate/front line agency capacity, police training in family violence and public education could be contributing to the decline in application rates. The comprehensive evaluation planned for 2010 will provide insight into the usage rates as well as overall effectiveness of the legislation.

[20] *Child and Spousal Support: Maintenance Enforcement Survey Statistics – 2007/08*, table 12, Statistics Canada.
[21] Information provided by the Department of Justice, Family Violence Program Analyst.

Figure 23


Number of Applications for Emergency Protection Orders Made and Granted
NWT 2005/06 - 2008/09
140
120
100
80
60
40
20
0
2005/06
2006/07
2007/08
2008/09
Number of Applications for Emergency Protection Orders
Number of Applications granted

c) Update on Strategic Activities

STRATEGIC INITIATIVE: BUILDING OUR FUTURE

Action: Implement Phase II of the Framework for Action on Family Violence

Description

Program for Men Who Abuse
Justice will research, develop and implement an abuser program for men to address behavior related to family violence. The program will include positive community reintegration and follow-up, and will be available on a voluntary and/or mandatory basis. The program is part of a broad government and community response to family violence.

Activity to Date

Justice is working in partnership with other GNWT Departments and non-government service providers to research abuser programs. Early research and committee discussion suggest the need for a program model that would be based on the following principles:

- Cause-and-effect models are not an accurate explanation of violence;
- Violence is deliberate and people are accountable for their behaviour;
- Violence is always resisted;
- Both the violence and the resistance needs to be clearly documented and acknowledged in order to fully address the deliberate nature of violence;
- All people have the right to be treated with dignity and respect; and
- While experiencing power and control, abusers can also experience negative effects.

Further work is needed to develop the program, including standards and an accountability structure. Research is also required to determine how the program should be integrated into the justice system and linked to other social services and supports. This program could include a mandatory component (i.e. abusers required to take the program).

In 2009/10, the interagency committee is researching promising programs and practices, including a review of literature, cultural awareness training, response-based workshops, site visits to existing programs, and attendance at forums discussing best-practices.

Planned Activities – 2010/11

In 2010/11, a program curriculum and delivery model will be developed. An approach on public education materials will be researched. Service requirements and a service provider will be identified with the goal of piloting the new service late in 2010/11.

Planned Activities – 2011/12 and Future Years

In 2011/12, the Department plans to continue to pilot the abuser program, conduct an early evaluation of the pilot, and consider proceeding with an NWT-wide implementation of the program (based on the outcomes of the pilot project and opportunities for funding).

Action: Increase Safety and Security

Description

Enhance Policing Services
Justice will enhance resources to the RCMP for the continued implementation of the RCMP back-up policy in the NWT. In December of 2007, the RCMP implemented the back-up policy responding to court rulings on the *Canada Labour Code* concerning an employer's general duty to protect the health and safety of every person employed. The policy requires a planned response by more than one member in calls of violence (including domestic violence), calls involving weapons, threats to self or others or where a member of the RCMP thinks that the risk requires more than one officer to respond. Back-up will be provided in a manner that is safe for all involved, effective, and makes the best use of resources.

In addition to implementation of the RCMP back-up policy, work will be undertaken with the RCMP and communities to explore options for alternatives to regular RCMP members, including community officers (special constables) and peace officers appointed under territorial legislation.

Policing in Small Communities
Justice will work with the RCMP to increase police presence in the smaller NWT communities, specifically in the 10 communities without resident RCMP members: Dettah, Colville Lake, Tsiigehtchic, Nahanni Butte, Wekweèti, Enterprise, Kakisa, N'Dilo, Trout Lake and the Hay River Reserve. Potential options to achieve this include creating additional detachments, increasing relief unit capacity, increasing the number and length of patrols to the communities, or augmenting the existing enforcement personnel with RCMP community officers. Community officers would act as a liaison between the RCMP and the community as well as assist with some investigations, act as backup and assist in general police duties.

South Slave Drug Interception Team
Justice plans to work with the RCMP and the federal government to establish a South Slave Drug Interception Team. This team will target issues associated with illegal drug trafficking, especially illegal drugs coming into the NWT from the provinces. This activity would support other efforts to address alcohol/drug addiction and associated crime in our communities by reducing the supply of drugs to the NWT.

As drug enforcement is a federal responsibility, funding for this team would come primarily from the federal government. The federal government would need to agree to add additional federal drug enforcement officers in the NWT. The GNWT will provide resources for an additional police dog and handler to be located in the South Slave.

Reducing Drug and Alcohol Related Crime
In 2008/09, the Department coordinated the development of a *GNWT Crystal Methamphetamine and Associated Drugs Prevention Strategy*. This strategy established a framework for a broad set of actions including an awareness campaign. Justice is working with other social-program departments to develop an awareness campaign that provides youth with the opportunity to learn from the experience of others who have overcome a past history of drug and alcohol abuse and/or criminal behaviour. This work complements activities in the *Healthy Choices Framework*.

Family Law Programs and Services (NEW 2009/10)
The Family Law Mediation Program is targeted at parents undergoing a separation or divorce. The program uses a roster of seven trained mediators to offer mediation services both in person and by teleconference. The program is free (up to a maximum number of hours per case) for parents looking to resolve legal disputes relating to custody, access and financial support. The program is intended to provide an effective, less costly and less adversarial alternative to court.

The Parenting After Separation Program is a one-day workshop that provides parents with enhanced awareness and understanding of the effects of separation and divorce on themselves and their children. The program increases participants' knowledge of the court process, and the parental roles and responsibilities of separating parents. The program's goal is to help decrease friction between separating parents, and ensure that the impacts of the parental separation or divorce are minimized for children.

Activity to Date

Enhance Policing Services
Starting in 2008, the Department provided funding to cover overtime and standby pay associated with implementing the RCMP back-up policy in the NWT. In 2009/10, Justice continued to support the RCMP for overtime and standby pay. The Department is also working with the RCMP to establish a long-term plan to ensure that members servicing small communities are not continually on shift or on standby.

Policing in Small Communities
In 2008/09, a detachment was re-established in Sachs Harbour and work proceeded to open detachments in Gamèti and Wrigley. Options were explored to provide enhanced police services in the smaller remote communities without resident RCMP officers, including additional regular members or community officers. The Department and RCMP conducted preliminary research into a community officer pilot project in the NWT.

In 2009/10, the Department continued work to identify new resources required to support officers in small communities. The Department is working with the RCMP to pilot the community officer program in the NWT this year (but is awaiting further confirmation from the federal government on this new federal initiative). Work also continued to open detachments in Gamèti and Wrigley. In addition, work began on the feasibility of a *Peace Officer Act* for the NWT. This legislation would allow the Territories to create community peace officer positions (apart from the RCMP) to perform duties that do not require a fully trained officer, such as community patrols, traffic detail, court duty and prisoner escorts. The Department is examining policing consultation reports and is consulting with other jurisdictions that have implemented this type of legislation.

South Slave Drug Interception Team
In 2008/09, the Department worked with the RCMP on a business case for obtaining a police dog and handler, as well as funding from the federal government for two additional federal drug enforcement officers.

In 2009/10, the dog unit was established. The GNWT is waiting for confirmation that the federal government will provide resources for the deployment of two federal drug enforcement officers to the drug interception team.

Reducing Drug and Alcohol Related Crime
In 2009/10, the Department is working with the departments of Health & Social Services, Municipal

& Community Affairs, and Education, Culture & Employment to complete the development of an awareness campaign that will include a role model program. This work will complement efforts under the *Healthy Choices Framework*. The awareness campaign may be implemented in the fall of 2009. This work will link to the RCMP Drug Strategy actions and broader community safety initiatives (see section on Future Strategic Directions of the Department). A framework for evaluation of the awareness campaign will be developed in 2009/10.

Family Law Programs and Services (NEW 2009/10)
In 2008/09, research was done to establish models for service delivery for both pilot programs. The Family Law Mediation Program began operating in March 2009. The program currently has six mediators in Yellowknife and one in Inuvik providing this service. The Department will continue to study and assess how mediation services can best be delivered in the NWT.

The Parenting After Separation Program began in June 2009, and will continue indefinitely depending upon the success of the pilot and availability of funding. The program operates in Yellowknife and will be offered outside of Yellowknife depending on demand.

Planned Activities – 2010/11

Enhance Policing Services
The Department plans to increase resources to the RCMP to enhance support to two-member and three-member detachments.

Policing in Small Communities
The Department will identify and implement options for enhanced policing services in small communities including the potential for adding an officer to assist with patrols to communities without a detachment. The Department will work with the RCMP to monitor the success of the community officer pilot program and determine if this program could be expanded. Work to open detachments in Gamètì and Wrigley will continue, with planned openings in 2011/12. The Department will complete research into a NWT model for peace officer legislation.

South Slave Drug Interception Team
In 2010/11, it is anticipated that the drug interception team for the South Slave will be fully implemented, contingent on the availability of federal resources.

Reducing Drug and Alcohol Related Crime
In 2010/11, Justice will work with other social departments and the RCMP to continue to implement the awareness campaign. The campaign will be monitored and evaluated.

Family Law Programs and Services (NEW 2009/10)
In 2010/11, the Department will continue to offer the pilot mediation and parenting programs. The Department will monitor participation and client satisfaction with the goal of indentifying more permanent ways of providing these support services to families in transition.

The Department will also begin research on the feasibility and cost of establishing a Children's Advocate Office for family law court matters. This program would provide children with a voice (legal counsel) in family law disputes.

Planned Activities – 2011/12 and Future Years

Enhance Policing Services

- Work to be determined in discussion with the RCMP.

Policing in Small Communities

- Open detachments in Gamèti and Wrigley.
- Depending on results of research, develop a legislative proposal for a *Peace Officer Act.*

South Slave Drug Interception Team

- Continue implementation.
- Monitor and evaluate.

Reducing Drug and Alcohol Related Crime

- Continue to implement the awareness campaign and role model component.
- Evaluate.

Family Law Programs and Services (NEW 2009/10)

- Continued implementation of the pilot programs.
- Monitor participation and evaluate.
- The Children's Advocate Office may be implemented, depending on results of study and availability of resources.

STRATEGIC INITIATIVE: MANAGING THIS LAND

Action: Continue to Develop Governance

Description

Devolution
Justice will provide legal support to the Department of Executive on discussions concerning devolution. Legal counsel will participate in devolution and resource-revenue-sharing negotiations with Canada to facilitate the transfer of responsibility for land and resource management to the territorial government.

Justice Resources to Participate in Land, Resources and Self-Government Negotiations
Justice will provide legal support to the Department of Aboriginal Affairs and Intergovernmental Relations (specifically the land claim and self-government negotiation teams). Legal counsel will attend negotiation sessions, advise on and draft various agreements, and provide oral and written legal advice to the Chief and Assistant negotiators as required.

Activity to Date

Devolution
Justice provided legal support to the Department of Executive on discussions concerning devolution.

Justice Resources to Participate in Land, Resources and Self-Government Negotiations
The GNWT is engaged in land, resources and self-government negotiations with the federal government and Aboriginal parties. Justice legal counsel supported these negotiations.

Planned Activities – 2010/11

Devolution
Justice legal counsel will continue to provide legal advice and support to devolution discussions.

Justice Resources to Participate in Land, Resources and Self-Government Negotiations
Justice legal counsel will continue to provide legal advice and support to negotiations.

Planned Activities – 2011/12 and Future Years

Devolution

- To provide legal counsel to assist with devolution.

Justice Resources to Participate in Land, Resources and Self-Government Negotiations

- To provide legal advice and support to these negotiations.

STRATEGIC INITIATIVE: MAXIMIZING OPPORTUNITIES

Action: Maximize Benefits from Resource Development and Related Initiatives

Description

MGP Strategic Investment – Coordination and Policing
Mackenzie Gas Project (MGP) strategic investments will help to position communities, businesses and residents in the NWT to take advantage of opportunities associated with the MGP as well as to address any potential negative impacts from the project. Justice will take steps to mitigate the impacts of large-scale resource development on the NWT justice system by planning for resource needs and fulfilling commitments made during the environmental regulatory processes.

Activity to Date

In 2008, Justice negotiated a *Public Safety and Security Memorandum of Understanding* (MOU) with the MGP proponents as part of the MGP Socio-Economic Agreement. Activities in recent years include consultations during regional socio-economic impact workshops, community consultations with the RCMP about potential pipeline impacts, and participation with the RCMP in the Joint Review Panel hearings.

In 2009/10, the Department will continue planning work in order to identify mitigating measures for impacts on the justice system, including anticipated increases in services for the policing, corrections, legal registries and maintenance enforcement areas. The Department will also continue planning work with key partners, including participating in the Mackenzie Gas Advisory Group activities and preparing for the release of the Joint Review Panel report. The Department will work with the RCMP and proponents of the Public Safety and Security MOU to identify protocols and planning considerations to implement the MOU: this will include incident responses and access and reporting procedures.

Planned Activities – 2010/11

The following Justice activities are planned:

- responding to relevant areas of the MGP Joint Review Panel report when released;
- working closely with the RCMP, MGP proponents, and the communities on the development and implementation of MGP public safety and security measures; and
- ensuring conditions of the Public Safety and Security MOU are met.

Planned Activities – 2011/12 and Future Years

- Continue to prepare for impacts associated with the MGP, particularly in advance of and during the construction phase which is now anticipated to start in 2012 and end in 2016.
- Ensure conditions of the Public Safety and Security are met.

STRATEGIC INITIATIVE: REFOCUSING GOVERNMENT

Action: Strengthen Service Delivery

Description

Coroner Service
The Department proposes to return the position of Chief Coroner to the public service of the Northwest Territories to promote the stability of service and to preserve and enhance the specialised skills and technical knowledge required in the position. This move will also permit effective succession planning through training and development of individuals to fill the positions of Chief and Deputy Chief Coroner.

Activity to Date

This is a new activity for 2009/10. The Department is taking steps to transition this position to the GNWT public service.

Planned Activities – 2010/11

In 2010/11, the Chief Coroner position will be filled. Training and capacity development will be done to ensure the Chief Coroner's office is able to fulfill roles and responsibilities.

Planned Activities – 2011/12 and Future Years

In 2011/12, activities will be determined.

d) Overview of Infrastructure Investments

Activity to Date

Projects Completed

Office Space Retrofit
Renovations were carried out in Inuvik to the probation offices and courts spaces.

Coroner's Office Space Renovation
Coroner's Office space had renovations and upgrades.

Yellowknife Courthouse Renovations
Leased space in the Yellowknife Courthouse was upgraded.

North Slave Correctional Centre – Erosion Wall Project
Work to address erosion under the concrete slab. This has become part of the overall drainage project for the facility.

Continuing Projects in 2009/10

Courts Information System
Courts Information System was upgraded, however, additional upgrades are still required. This project should be completed in 2009/10.

Land Titles Office – Title Search Development
Year two of a multi-year project to develop a land titles search database. This project should be completed in 2011/12.

Corporate Registries Databases – Replacement
Replace out-dated applications within Corporate Registries. This project should be completed in 2009/10.

Arctic Tern Young Offender Facility – Foundation Issues
Inuvik Young Offender facility has been experiencing foundation issues ever since it was built. Public Works and Services concluded a geotechnical and hydro-geotechnical investigation of the building's foundation system in December 2008. In 2009/10, work will begin to repair the foundation and building as described in the Public Works and Services report. The future of the building as a corrections facility has not yet been determined.

Norman Wells Probation – Office Space Renovations
Plans have been approved and the project will be completed in 2009/10.

River Ridge Correctional Centre – Secure Cells
Build secure cells at River Ridge to permit high-risk female offenders to be held in custody and to reduce the operating budget of both Fort Smith facilities by $530,000. A final design, construction contract and the majority of indoor work is to be completed in 2009/10.

North Slave Correctional Centre – Aboriginal Healing and Spiritual Program Area
Develop an outdoor program area for aboriginal healing. It is anticipated that the construction will be completed in 2009/10.

North Slave Correctional Centre – All Erosion/Drainage Modification
Corrective action is required to protect the facility foundation from deterioration as a result of improper ground water drainage and soil erosion due to spring runoff and spring/summer precipitation. The project is expected to be completed in 2009/10.

North Slave Correctional Centre – Upgrade Building Security and Camera System
A complete replacement of the original card access security system which was failing and unable to accept any new cards. The card access security system upgrade will be completed in 2009/10.

New Projects in 2009/10

North Slave Young Offender and Adult Correctional Facilities – Flooring Replacement
Large portions of the carpeted flooring need to be replaced.

Yellowknife Courthouse Library Shelving Project
Courts Library located in the Yellowknife Courthouse has been reduced in size to accommodate another courtroom in the building. In order to accommodate the library's smaller size, compact shelving units are needed. This project will be completed in 2009/10.

Probation Office – Fort Liard
Probation Office in Fort Liard required new accommodations as a result of the current landlord giving notice. Public Works and Services has acquired new space and tenant improvements are required to accommodate the program's needs and security.

North Slave Correctional Centre – Security System Integration
A complete replacement of the original electronic door access system which was failing and creating a safety and security risk for staff, inmates, and the public. The original electronic door access and card access systems were integrated so extensively that when one system failed, the other also failed. The security system integration will be completed in 2009/10.

Planned Activities – 2010/11

Probation Office – Fort MacPherson Tenant Improvements
New space and tenant improvements are needed.

River Ridge – Fire Alarm Panel Upgrades
Install a new fire alarm system with control panel, smoke detectors, pull stations, horn/strobe and associated equipment to meet current barrier-free design guidelines for the type and location.

South Mackenzie Correctional Centre –Upgrade Security System
Existing security system will be replaced with a new system.

North Slave Correctional Centre – Modification Lockers Blocking Sprinklers
Lockers will be modified to alleviate the blocked sprinkler coverage.

Court Registries – Security Barrier Counter
Security glass barrier over the top of the counter space needs to be installed to prevent the public from

accessing the staff and documents/cash. The flooring in the public area of the registries needs replacement as it is currently worn. The counter top also needs to be refaced.

Yellowknife Courtroom – Upgrades
Courtroom 2 (which is over 30 years old) requires upgrades including new surfaces, doors, public seating, and improved technology infrastructure.

New Office Legal Aid – Tenant Improvements
Set up a new Legal Aid Clinic requires additional small capital for tenant improvements. The clinic will have four staff and require interview/meeting rooms along with standard office space requirements plus security considerations.

Maintenance Enforcement Program – System Replacement Project
Convert the existing Child Support Manager system to another software platform and technology that is capable of future expansion. The existing system is based on a PowerBuilder platform that is rapidly aging and needs to be upgraded immediately.

Planned Activities – 2011/12

No activities have been approved for 2011/12.

e) Legislative Initiatives

Activity to Date

Bills introduced during the 2nd session of the 16th Legislative Assembly

Bill 5 – An Act to Amend the *Maintenance Orders Enforcement Act*
This bill provides additional enforcement measures that the Maintenance Enforcement Administrator may take to enforce a maintenance order that is filed with the Maintenance Enforcement Office. It received assent on June 19, 2008 and the amendments came into force on July 1, 2009.

Bill 6 – An Act to Amend the *Residential Tenancies Act*
This bill includes various administrative amendments to modernize the Act, ensure that disputes are resolved more quickly and provide effective remedies to both landlords and tenants. It received assent on June 19, 2008 and the amendments will come into force in the fall of 2009.

Bill 7 – *Securities Act*
This is a new Act based on a model developed jointly by NWT, PEI, Nunavut and Yukon. The model includes a wide range of changes to support a coordinated national approach to securities regulation. It received assent on June 19, 2008 and came into force on October 26, 2008.

Bill 13 – An Act to Amend the *Legal Profession Act*
This bill includes a number of amendments to update the discipline process in the *Legal Profession Act*. It received assent on October 21, 2008 and came into force February 1, 2009.

Bills introduced during the 3rd session of the 16th Legislative Assembly

Bill 2 – *Settlement of International Investment Disputes Act*
This is a new Act to implement the *1965 Convention on the Settlement of Investment Disputes Between States and Nationals of Other States*. The bill received assent on June 4, 2009, and will come into force when all 13 provinces and territories have adopted implementing legislation.

Bill 3 - *International Interests in Mobile Aircraft Equipment Act*
This is a new Act to implement the *2001 Convention on International Interests in Mobile Equipment* and the *Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment*. The bill received assent on March 12, 2009.

Bill 5 - *Professional Corporations Act*
This is a new Act permitting members of designated professions to incorporate under the *Business Corporations Act*, subject to requirements relating to the ownership and voting of shares of the professional corporation. The bill received assent on March 12, 2009 and came into force on that day. The first eligible profession was designated under the *Professional Corporations Regulations* on July 14, 2009.

Bill 12 - *Securities Transfer Act*
This is a new Act enacting the uniform *Securities Transfer Act* to govern the transfer and holding of securities and interests in securities, consistent with legislation currently enacted or being enacted in all provinces and territories. The bill provides for consequential amendments to the *Business*

Corporations Act, Personal Property Security Act and *Seizures Act*. The bill received assent on June 4, 2009 and came into force on August 1, 2009.

Significant legislative initiatives that are being developed in 2009/10 but have not yet been introduced include:

- *Exemptions Act* amendments to increase the exemption amounts for categories of real and personal property to revise the categories and descriptions of property that are exempt from seizure;
- New legislation to govern the structure and delivery of legal aid services;
- Amendments to the *Summary Conviction Procedures Act* to improve fine collection and to eliminate uncontested trials for summary-offence tickets; and
- An *Electronic Commerce Act* to implement principles of the UN Model Law in Canada, this legislation would remove barriers to the use of electronic communications by government and the private sector.

Research is being done to assess the scope and/or feasibility of the following projects:

- Safer communities legislation to provide a complaint-based civil remedy for illegal activities that are disrupting communities and neighbourhoods;
- Animal protection legislation to deal with animal cruelty, this is an interdepartmental initiative and the lead department will be identified once preliminary research has been completed; and
- Peace officer legislation would allow the NWT to create community peace officer positions apart from the RCMP to perform duties that do not require a fully trained officer. These duties could include community patrols, traffic detail, court duty and prisoner escorts. Legislation to provide for peace officers could be incorporated into legislation providing for safer communities.

Planned Activities – 2010/11

During 2010/11, the Department will continue to address legislative priorities identified or initiated in 2009/10. This work will rely on political and public support, and the approval of required resources.

The Department also plans to begin work on the following legislative initiatives:

- Amendments to the *Children's Law Act* relating to the status of the child and parentage, this work is dependent on the development and approval by provinces and territories of a uniform model;
- Research to determine if amendments are necessary to the *Evidence Act* to address inconsistencies between federal and territorial legislation regarding child witnesses and to provide that public apologies are not considered an admission of fault or liability; and
- Evaluate legislative options for replacing the current filing requirements in the *Partnership Act* with a more comprehensive registration scheme requiring periodic renewals.

Planned Activities – 2011/12

During 2011/12, the Department will continue to address legislation identified in prior years and implement legislation that has received assent. The Department will also be identifying potential legislative initiatives for advancement during the 17th Legislative Assembly.

f) Human Resource Overview

Overall Human Resource Statistics

All Employees

	2009	%	2008	%	2007	%	2006	%
Total	516	100	536	100	541	100	529	100
Indigenous Employees	239	46.3	247	46.1	252	46.6	240	45.4
Aboriginal	158	30.6	167	31.2	180	33.3	167	31.6
Non-Aboriginal	81	15.7	80	14.9	72	13.3	73	13.8
Non-Indigenous Employees	277	53.7	289	53.9	289	53.4	289	54.6

Note: Information as of March 31 each year

Senior Management Employees

	2009	%	2008	%	2007	%	2006	%
Total	11	100	11	100	11	100	11	100
Indigenous Employees	3	27.3	2	18.2	2	18.2	2	18.2
Aboriginal	1	9.1	1	9.1	1	9.1	1	9.1
Non-Aboriginal	2	18.2	1	9.1	1	9.1	1	9.1
Non-Indigenous Employees	8	72.7	9	81.8	9	81.8	9	81.8
Male	4	36.4	5	45.5	5	45.5	6	54.5
Female	7	63.6	6	54.5	6	54.5	5	45.5

Note: Information as of March 31 each year

Non-Traditional Occupations

	2009	%	2008	%	2007	%	2006	%
Total	26	100	18	100	19	100	8	100
Female	2	7.7	1	5.6	2	10.5	1	12.5
Male	24	92.3	17	94.4	17	89.5	7	87.5

Note: Information as of March 31 each year

Employees with Disabilities

	2009	%	2008	%	2007	%	2006	%
Total	516	100	536	100	541	100	529	100
Employees with disabilities	3	.6	3	.6	0	0	0	0
Other	513	99.4	533	99.4	541	100	529	100

Note: Information as of March 31 each year

Position Reconciliation

This information differs from the employee information on the preceding page. Employee information reflects actual employees on March 31 of each year, and the information presented below reflects position expenditures approved through the budget process for each fiscal year.

Active Positions

Summary:

	2009-10 Main Estimates	Change	2010-11 Business Plan
Total	413	4	417
Indeterminate full-time	410	4	414
Indeterminate part-time	3	0	3
Seasonal	0	0	

Adjustments During the Year:

Position	Community	Region	Added/Deleted	Explanation
2 Staff Lawyers	Yellowknife	Northslave	Added	Forced Growth
1 Legal Secretary	Yellowknife	Northslave	Added	Forced Growth
1 Chief Coroner	Yellowknife	Northslave	Added	Strategic Initiative

Other Positions

Summary:

	2009-10	Change	2010-11 Business Plan
Total	6	0	6
Indeterminate full-time	6	0	6
Indeterminate part-time	0	0	0
Seasonal	6	0	6

Other Human Resource Information

One of the stated priorities of the Legislative Assembly is to "improve human resource management within the GNWT. To address this priority, a 10-year NWT Public Service Strategic Plan, *20/20: A Brilliant North* and accompanying three-year Action Plan were developed and tabled in the Legislative Assembly on June 4, 2009. The Strategic Plan outlines specific actions to address the goal to both promote Affirmative Action throughout the GNWT and to develop human resource plans for each department.

The three-year Action Plan includes the development of a framework for departmental plans to be developed by August 31, 2010. It would be expected that departments could complete their human resource plans by the end of 2010/11 and these would be incorporated into subsequent business plans. The creation of these plans will ensure a consistent and coordinated approach across government, providing equitable opportunities for all staff.

The tables below indicate the statistics on the Department's human resource activities with respect to summer students, interns and transfer assignments for 2009.

Summer Students				
Total Students	Indigenous Employees (Aboriginal + Non Aboriginal	Indigenous Aboriginal	Indigenous Non-Aboriginal	Non-Indigenous
18	16	4	12	2

Interns				
Total Interns	Indigenous Employees (Aboriginal + Non Aboriginal	Indigenous Aboriginal	Indigenous Non-Aboriginal	Non-Indigenous
5	5	1	4	0

Transfer Assignments				
Total Transfer Assignments	Indigenous Employees (Aboriginal + Non Aboriginal	Indigenous Aboriginal	Indigenous Non-Aboriginal	Non-Indigenous
30	15	11	4	15

Activities Associated with Staff Training & Development

A Northern Employment Plan for Justice
In 2009/10, Justice is working with the Department of Human Resources to develop a northern employment plan for the NWT justice system. This plan will be consistent with the NWT Public Service Strategic Plan and accompanying Action Plan.

An ongoing challenge is to staff positions with indigenous NWT residents. We are competing with international resource-development companies for employees who have northern-hire quotas and staffing needs that are met with local residents. It is also a struggle to find employees from the north with the right combination of skills, education and experience to fill specialized jobs in courts, corrections and legal aid.

The Department fully supports the application of the Affirmative Action policy in our hiring. It is important that our workforce be representative of the people we serve. The Northern Employment Plan will incorporate some of the initiatives that are underway such as:

- Corrections Northern Recruitment Training Program – In 2008/09 Corrections developed a six-week program to train northerners in the technical skills required for work in NWT facilities. This program provides northerners with basic skills that will qualify them to be hired into entry-level jobs in correctional facilities.
- Courts Training – NWT Courts has restructured its positions to allow staff to move through courts positions from entry level to senior positions. Staff will have the opportunity, through on the job training and mentoring, to receive progressive promotions. The aim of this initiative is to attract northern candidates who may not have the training and experience to be hired as full court officers, but with support could move into these positions. Further this initiative should assist all employees in their development and improve retention of staff.
- Coroners Training – The Department plans to return the position of Chief Coroner to the GNWT public service. This will promote the stability of service delivery and preserve and enhance specialized skills and technical knowledge in the Government. This move will also permit effective succession planning through training and development of individuals to fill the positions of Chief and Deputy Chief Coroner.

In addition to initiatives under the Department's Northern Employment Plan the Department provides ongoing training for targeted program areas and initiatives in the GNWT.

Corrections:

- Young offenders' facility staff receive training on the new HALT (Healing and Learning Together) program.
- All Corrections staff (working in facilities) receive CELT training (Corrections Entry Level Training). Supervisors and other senior staff also receive leadership training.
- Probation staff receive Probation Officer Entry Training.

Courts:

- Sheriffs receive on-going self-defense and CELT training.
- Court Registry staff have received new job descriptions and more training opportunities by senior staff to allow existing and new staff to progress from entry level positions to more senior court positions.

Legal Registries staff receive training on new systems, e.g. Corporate Registries Database.

Court workers receive training to expand their experience with courts and their administrative knowledge. As identified earlier, court workers will also receive additional training to reflect changes in the scope of their duties.

New access/privacy coordinators (under the *Access to Information and Protection of Privacy Act)* receive training and orientation. Ongoing training and development is provided for current staff to build knowledge and capacity.

Community coroners receive training by the Chief Coroner to build knowledge and capacity. In 2010/11, the Chief Coroner position will be brought into the GNWT, and training and mentoring will

occur.

Administrative staff in all divisions receive training in records management.

The Department also provides regular training to non-GNWT employees either to maintain or build knowledge, skills and capacity in a particular program or service delivery area.

- Community justice committees receive training on roles and responsibilities of committees and their members.
- Victims services volunteers receive training on services and supports to victims of crime.
- Designates under the *Protection Against Family Violence Act* receive information and training about the legislation, the roles/responsibilities of designates, and working relationships between government and non-government agencies in the issuing of protection orders.

Training and staff development occurs in other, independent parts of the justice system.

- Justices of the peace (JPs) receive training by the judiciary to build knowledge and capacity;
- RCMP officers receive training and orientation from the RCMP.

g) Information System & Management Overview

Overview

Approach to Information Management / Information Systems
Justice is responsible for the administration of courts, policing[22], corrections and community justice as well as the delivery of a number of other programs and services to the public such as victim services, legal aid, the rental office and legal registries.

The diversity of these responsibilities – including the need for strict security, the local and national requirements for statistical information, as well as the legal framework Justice operates within – governs the Department's approach to information management and information systems (IM/IS). Advances in technology and increased access to (and use of) the Internet presents opportunities, creates challenges and raises expectations by clients and the public.

The high level of crime and particularly violent crime in the NWT puts pressures on our police, courts, victim services, and corrections services. With increases in resource development, our client-service sectors like maintenance enforcement, legal aid, and legal registries (specifically the land titles section) will see increases in workload. These pressures will also be felt in the core program areas of corrections, community justice and courts. Our IM/IS systems need to be maintained and updated, and new systems need to be developed to respond effectively to these pressures.

For these reasons, the Department maintains one of the largest application portfolios, as well as one of the most diverse security and infrastructure portfolios, within Government. In the next few years, the Department faces a number of IM/IS challenges and considerations.

1. Security Requirements

Management of Information – Information must meet strict security requirements (both electronic and physical) due to legislative and privacy concerns. This is especially true for the courts and corrections areas. As an independent branch of government, Courts have records that do not fall under the purview of the Executive branch of government (i.e., the Department), and, for this reason, must be kept and managed separately. Additionally, the sensitive nature of court documents requires a high degree of security to maintain the integrity of the court record and protect information that cannot be made public (e.g., youth records). For these reasons, the Justice informatics team maintains and manages these records.

Management of Facilities – Courts and corrections program areas also require systems and technology to protect the physical security of the public, offenders and accused as well as staff. The courthouse in Yellowknife and correctional facilities throughout the NWT use complex internal security tracking and surveillance systems. These systems are managed and maintained by the Justice informatics team.

[22] The RCMP G Division manages information collected by NWT officers. They provide information directly to Statistics Canada. This information is used for many reports including those on crime stats and policing resources.

2. Statistical Requirements

The Department generates and manages statistical information on a wide variety of program areas and topics, including legal aid, maintenance enforcement, corrections, courts, community justice and victim services. The Department contributes electronic and print data to national institutions, including Statistics Canada and the Canadian Centre for Justice Statistics. This information, along with statistical information from other jurisdictions, is used to report on the justice system in Canada and is very important to the Department for planning and evaluation purposes. Statistical reports also provide NWT residents and stakeholders with important information on justice issues and programs.

The Department must remain an active contributor to national datasets on justice services and issues to benefit from the analytical work conducted at a national level. This requires a sustained focus on data quality and reporting requirements. The Department also must ensure that data collection activities and information management systems meet our research, planning and evaluation needs.

3. Program Delivery Requirements

Administration – Justice is responsible for providing operational systems to support the administration of a variety of programs. Systems to support these programs must be effective and accessible to staff, and staff need proper training to collect and enter the information. These operational systems must provide statistical information that can be easily accessed to meet local or national statistical requirements.

Service Delivery – Services like legal aid, courts services and legal registries require operational systems that support client needs. Clients may be required to pay fines, make maintenance payments (or find out how much is owed) or search land titles. Improvements in technology and increased access to the internet present the Department with opportunities and challenges for meeting clients' needs.

4. Major Information Systems

Security	
Courthouse Security \ Surveillance System	Court Services
Corrections Security Surveillance System	Corrections
Building Security Control System	Corrections (North Slave Correctional Centre)
Program Administration	
Jury Management System	Court Services
Court Information Tracking System	Court Services
Justice Information System	Court Services
Inmate Trust Accounting System	Corrections
Correction Offender Management System	Corrections
Portal for Electronic Data, SharePoint Server	Corrections
Document Registry Tracker	Legal Registries
Legal Aid System	Legal Aid
Lawyer Time Keeping System	Legal Division
Appointments and Revocations Database	Legislation Division
Coroner Results Database	Coroner's Office
Coroner Statistical Tracking Database	Coroner's Office

Services to the Public

Active Receipt System	Legal Registries
Document Imaging System	Legal Registries
Corporate Registries database	Legal Registries
Land Titles Daybook	Legal Registries
Personal Property Registry	Legal Registries
System for Electronic Document Analysis Retrieval	Legal Registries
National Registration Database	Legal Registries
Child Support Manager	Maintenance Enforcement

Planned Activities – 2010/11

The Department plans to implement the IM/IS strategy that is being developed in 2009/10. This new plan will provide a strategic approach for managing growth and development, thus reducing the number of smaller, individually maintained and managed applications. This new strategy will also increase application life cycles, reduce the total cost of ownership, increase knowledge transfer, minimize maintenance, and produce a common look and feel.

The Department will also work closely with GNWT working committees and business advisory groups to identify common IM/IS issues and solutions at both a department and government level. Our goal is to combine our business-based driving forces and take advantage of shared applications and opportunities rather than continuing to develop and maintain smaller and costly solutions. One example of a GNWT-wide initiative that Justice is particularly interested in is Web-based or "E-government".

Program Administration

Document Imaging Review – The Department has been developing a plan to implement document imaging technology. The plan will include implications for document imaging throughout the Justice system, including training and appropriate systems requirements. The plan will also include information on linking document imaging at Justice with a GNWT-wide system.

In 2010/11, the Department plans to implement document imaging technology in Courts. This system will allow clients to access records for a fee[23]. The Department will take advantage of advances in hardware and software from the document imaging project to upgrade the Legal Registries document imaging system and to implement a disaster recovery plan for courts documents.

Mail Tracking System – The Department will implement a mail tracking system that connects directly to a document imaging server. The purpose of this new system is to reduce data entry and to improve the ability to manage the flow and response time of correspondence. The Department is currently using an outdated mail tracking system that does not have the capability to manage electronic requests such as email or scanned documents.

Data Analysis / Information Management Review – Justice plans to complete the analysis of justice statistics begun in 2009/10 and review national reporting requirements. The Department will assess information needs for national reporting requirements, program planning, and evaluation. This activity supports efforts to improve our understanding of justice system trends and pressures.

[23] Courts records are separate from the Department records and do not fall under the *Access to Information and Protections of Privacy Act*.

Services to the Public

Online Payment / E-Government Initiatives – Fine payments, service fees and information requests are increasing within the Department's client-oriented divisions, including Courts and Legal Registries. In order to manage this increase, the Department must improve the existing in-person approach. Secure alternatives for electronic payment and information sharing (in compliance with the GNWT's Web Enhancement and E-government initiatives) are needed. Fine-collection improvements will have implications for other public service programs like maintenance enforcement.

Legal Registries – In 2010/11, Legal Registries will complete the development of an electronic database to replace current manual title searches. The current system for searching land titles consists of plan index books for each community in the NWT that includes the title history according to the lots and blocks shown on the plan. The new system will replace these manual plan indices. This system will eventually be linked to the document imaging database that will allow the collection of fees for each title search, and the public to conduct title searches directly from their home or place of business.

Legal Registries also plans to replace corporate registries applications for extra-territorial corporations, societies and partnerships. This new system will also link with the document imaging database, and allow the collection of fees for each title search, and the public to conduct title searches directly from their home or place of business.

Maintenance Enforcement – In 2010/11, work will begin to replace the operational system used by the Maintenance Enforcement Program.

Courts – In 2010/11, the Department of Justice will plan for the replacement of the Jury Management System in 2011/12.

Video Conferencing – Justice will continue to work with other GNWT departments on a plan for the enhanced use of video conferencing. With the growing cost of travel, the Department must seek an alternate means of inter-regional communication. Improvements in technology are now making closed-circuit video conferencing an attractive alternative. Travel costs are a large part of the Courts and Corrections budgets. Video conferencing also has applications for policing and other programs that provide services to the public, like the rental office and legal aid. Our goal is to use this technology where applicable to maintain or improve services and reduce costs.

Planned Activities – 2011/12

Program Administration

Document Imaging Review – The Department will begin implementation of document imaging technology in other Justice programs. Training of program staff will take place. Links will be made with the GNWT document imaging initiative wherever possible.

Mail Tracking System – Justice will monitor the performance of the tracking system, and make adjustments as required.

Data Analysis – The Department will begin to implement changes required to support internal and national reporting requirements. These changes will help support planning and evaluation of Justice programs and services.

Services to the Public

Online Payment/ E-Government Initiatives – The Department will complete the assessment of e-filing and make recommendations on implementation in 2012/13. Courts and Legal Registries will implement online payment options.

Maintenance Enforcement – In 2011/12 the new operational system for the Maintenance Enforcement Program, will be finalized. This new system will include an electronic statistics component, a public access web component, and will result in increased efficiencies for the Maintenance Enforcement Program.

Courts – The Department of Justice will replace the Jury Management System in 2011/12.

4. FUTURE STRATEGIC DIRECTION FOR THE DEPARTMENT

The Department of Justice is responsible for the administration of courts, policing, corrections and community justice as well as the delivery of a number of programs and services to the public. Our responsibilities range from community-based programs aimed at prevention, to the conduct of formal court proceedings, and the custody of convicted offenders. The majority of these functions are mandated through statute and driven by factors that are outside the control of the Department.

The high crime rate in the NWT has been attributed to factors related to population demographics, as well as socio-economic factors such as employment, education, residential schools, and drug and alcohol abuse. For these reasons, it is a high priority of our Department to work with communities, the police and other government departments to address these underlying factors and at the same time provide quality programs and services.

The Department is building our future strategic direction based on our goals and a focus on a proactive, integrated approach to Justice programs and services. This requires the commitment and cooperation of all parties and the development of innovative solutions. Some of the initiatives underway that support the attainment of our goals and reflect this approach are:

Community Safety Strategy – The Department is in the early stages of developing a comprehensive strategy in support of improved community safety. This strategy is expected to include policy, program and legislative initiatives related to crime prevention, policing, community justice, corrections and victim services, and will link with initiatives related to safety and security. This strategy will be informed by the upcoming review of the Community Justice Program and work that the Department is doing with the RCMP to develop common goals and objectives for policing in the north. This strategy will also include consideration of safer communities legislation for the NWT.

Family Law Reform – The goal of this initiative is to create an effective and accessible family justice system that will give families more choices and support in resolving disputes. This is a long-term project and is guided by five key principles – flexibility, accessibility, client satisfaction, knowledge and efficiency.

At this time three projects are underway, including a pilot mediation program, a pilot program called "Parenting After Separation" and a project to enhance the role of court workers to decrease the dependency on lawyers and help make justice more accessible to community residents.

There are also a number of projects that are being considered:

- Specialized courts;
- A Children's Advocate;
- Funded home studies/assessments;
- A support payment recalculation service;
- Alternative dispute resolution tools, such as arbitration and conciliation, for other legal issues.

Corrections Improvements – The Department has done considerable work in the past few years to improve program delivery, facility use and recruitment and training. The Department will advance these initiatives ensuring ongoing monitoring and assessment while continuing to respond to future challenges in the corrections service.